

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS

CASE NO. 3:17-cv-02278-X

CHARLENE CARTER,

Plaintiff,

v.

SOUTHWEST AIRLINES CO. and  
TRANSPORT WORKERS OF AMERICA,  
LOCAL 566,

Defendants.

TRANSCRIPT OF THE TRIAL  
BEFORE THE HONORABLE BRANTLEY STARR  
UNITED STATES DISTRICT JUDGE

V O L U M E 5

Dallas, Texas

July 11, 2022

9:02 a.m.

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## I N D E X

Informal Charge Conference (off the record)

## W I T N E S S E S

## CHARLENE CARTER

Cont. Direct Examination by Mr. Pryor ..... 1288

Cross-Examination by Mr. McKeeby ..... 1307

Cross-Examination by Mr. Greenfield ..... 1405

## BRETT NEVARES

Via Zoom deposition ..... 1481

## MAUREEN EMLET

Direct Examination by Mr. McKeeby ..... 1511

Cross-Examination by Mr. Greenfield ..... 1551

## NAOMI HUDSON

Direct Examination by Mr. McKeeby ..... 1558

Cross-Examination by Mr. Greenfield ..... 1571

## ED SCHNEIDER

Direct Examination by Mr. McKeeby ..... 1573

Cross-Examination by Mr. Greenfield ..... 1607

## E X H I B I T S

1	
2	
3	
4	Trial Exhibit 38 ..... 1295
5	Trial Exhibit 130 ..... 1301
6	Trial Exhibit 42 ..... 1301
7	Trial Exhibit 126 ..... 1306
8	Trial Exhibit 127 ..... 1306
9	Trial Exhibit 128 ..... 1306
10	Trial Exhibit 129 ..... 1306
11	Trial Exhibit 118 ..... 1313
12	Trial Exhibit 40 ..... 1327
13	Trial Exhibit 2 ..... 1392
14	Trial Exhibit 83 ..... 1516
15	Trial Exhibit 44 ..... 1524
16	Trial Exhibit 11 ..... 1533
17	Trial Exhibit 7 ..... 1536
18	Trial Exhibit 9 ..... 1543
19	Trial Exhibit 16 ..... 1546
20	Trial Exhibit 103 ..... 1592

21

22

23

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1                               - P R O C E E D I N G S -

2                               (Informal charge conference off the  
3 record.)

4                               THE COURT: You can be seated. Except for  
5 you, Mr. Pryor, you've got nowhere to sit.

6                               Okay. So now we are on the record. We  
7 are in Day 5 of trial. Let's do lightning round of  
8 appearances right quick just to start off the day.

9                               MR. GILLIAM: Bobby Pryor, Matt Gilliam,  
10 and Matt Hill for Plaintiff Charlene Carter.

11                              THE COURT: Thank you.

12                              MR. McKEEBY: Paulo McKeeby and Brian  
13 Morris for Defendant Southwest Airlines.

14                              THE COURT: Thank you.

15                              MR. GREENFIELD: Adam Greenfield and  
16 Edward Cloutman III on behalf of TW Local 566. We  
17 also have our corporate representative, Michael  
18 Massoni, at the table.

19                              THE COURT: Thank you.

20                              So, now, in our off-the-record informal  
21 charge conference, Mr. Greenfield, you raised the  
22 issue of a request for leave to add an affirmative  
23 defense. Can you make that request on the record  
24 for us?

25                              MR. GREENFIELD: Yes, your Honor.

1                   We make a request to add in an affirmative  
2 defense on the issue of undue hardship on behalf of  
3 the Union pertaining to religious accommodation  
4 rights.

5                   We believe there is no undue prejudice  
6 caused by adding in this affirmative defense. In  
7 fact, discovery has been ongoing throughout the  
8 trial, and we believe, thus, adding an affirmative  
9 defense causes no prejudice at this point.

10                  THE COURT: Understood.

11                  So I will say that out of consistency,  
12 since I did not allow a late amendment to seek  
13 punitive damages under the RLA claim from the  
14 plaintiff, then out of consistency I will overrule  
15 your request for this affirmative defense.

16                  With that, we can bring in the jury.

17                  THE COURT SECURITY OFFICER: All rise for  
18 the jury.

19                  (The jurors entered the courtroom.)

20                  THE COURT: Thank you. You can be seated.

21                  Okay. Mr. Pryor, you can continue to  
22 question the witness.

23                  DIRECT EXAMINATION (continued)

24 BY MR. PRYOR:

25 Q.     Good morning, ladies and gentlemen.



1 Good morning, Ms. Carter.

2 A. Good morning.

3 Q. Ms. Carter, when we spoke last on Friday, you  
4 had received a call from Mr. Schneider informing you  
5 that you were terminated.

6 Do you recall that?

7 A. Yes, I do.

8 Q. I want to back up to the fact-finding meeting  
9 that has been talked about in this matter where the  
10 claims against you were investigated by Southwest  
11 Airlines.

12 Do you recall that?

13 A. Yes, I do.

14 Q. In the fact-finding meeting, did you inform  
15 Southwest Airlines of your religious beliefs?

16 A. I did. I told them I was a Christian.

17 Q. Did you tell them how that related to you  
18 sending the videos and the communications that you  
19 did?

20 A. Yes, I did.

21 Q. Did you tell them it was related?

22 A. Yes, I did. I told them that the reason -- I  
23 mean, it was just because the Union spent the money,  
24 but also because of my religious beliefs.

25 Q. Did you tell them about your communications in

1 regard to union activity?

2 A. Yes, I did.

3 Q. What did you tell them?

4 A. Well, I told them that everything that I had  
5 sent was only to my union president and after what  
6 they had done and gone to the Women's March.

7 Q. And they've talked about some Facebook posts as  
8 a nexus.

9 With the exception of the lanyard, which the  
10 jury can decide if that can be read or not, but with  
11 the exception of that, were there any Facebook posts  
12 even within 18 months that remotely mentioned  
13 Southwest Airlines?

14 A. No. And the thing is, is they had to go in and  
15 search my pictures. They're not even posts -- I  
16 mean, you would have to search forever.

17 But they actually went in and searched my  
18 pictures to find a nexus.

19 Q. Were these pictures more than three years old?

20 A. Yes, they were.

21 Q. Were some more than five years old?

22 A. I believe four, going into five, yes.

23 Q. At any time did Southwest Airlines offer to  
24 accommodate your union activity or religious  
25 beliefs?

1 A. No.

2 Q. At any time did they, for instance, offer, if  
3 you will take off these nexus posts on Facebook  
4 regarding Southwest, then you can post regarding  
5 your religious beliefs?

6 MR. McKEEBY: Object to leading.

7 THE COURT: I'll allow it.

8 THE WITNESS: No.

9 BY MR. PRYOR:

10 Q. At any time did they offer you any  
11 accommodation regarding your union activity?

12 A. No. As a matter of fact, they just called her  
13 a flight attendant. They never even said her name.

14 I knew who I sent them to, and it was only one  
15 person.

16 Q. By the way, the communications that you engaged  
17 in with your union and your union president and your  
18 post on your Facebook page, did you do those at the  
19 workplace?

20 A. No.

21 Q. Did you send them to anyone at their workplace?

22 A. No, I did not.

23 Q. Counsel in opening, I think one of the  
24 questions was about that you think you can just say  
25 whatever you want.

1 Are you asking this jury to allow you to engage  
2 in illegal speech?

3 A. No, not in illegal speech, no.

4 Q. So you recognize limitations?

5 A. Yes.

6 Q. As a matter of fact, you recognize limitations  
7 had you been communicating in the workplace as  
8 opposed to not?

9 MR. McKEEBY: Objection, leading.

10 THE COURT: Sustained.

11 BY MR. PRYOR:

12 Q. Do you have -- do you believe you should have  
13 unfettered rights in the workplace to engage in  
14 certain speech?

15 A. In the workplace, there are certain things  
16 that, you know -- I mean, I don't go around harming  
17 people at the workplace. I never have.

18 Q. Ma'am, there is -- we've got a continuing  
19 objection on this in responding to the questions  
20 raised about that you were offered your job back.

21 Do you recall --

22 A. Yes.

23 Q. -- in opening, questions of Mr. Schneider?

24 A. Yes.

25 Q. Were you offered your job back in a manner in

1 which you could engage in free speech and religious  
2 speech on your Facebook?

3 A. No. And then -- so let me back up.

4 They said they were going to reduce it in time  
5 served for 30 days, or a 30-day suspension.

6 They also gave me what is called a last-chance  
7 agreement. And that last-chance agreement, first of  
8 all, would put a bad letter, which, you know, I was  
9 a good employee. But they were going to put a bad  
10 letter in my file for 24 months, which exceeded,  
11 even in our contract, which was 18 months.

12 They also wanted me to sign an NDA,  
13 non-disclosure, for the Union and for the company,  
14 and they also wanted to strip my rights away if I  
15 ever had any other issues to sue them, the company,  
16 and the Union.

17 So what they really wanted me to do is just  
18 stay quiet.

19 And now looking back, when I was called in on  
20 that day -- and I'm so thankful I didn't sign it --  
21 because Brian Talburt was already turning others in.  
22 My name was on that list.

23 So I know of another employee that they did  
24 this to, and she was about to go back out on line,  
25 and they --

1 MR. McKEEBY: Objection, foundation.

2 She's talking about another employee. I  
3 don't know how she knows --

4 MR. PRYOR: It's her understanding.

5 THE COURT: Sustained. She can clarify.

6 BY MR. PRYOR:

7 Q. Okay. Go ahead. You can finish.

8 A. Okay. So --

9 MR. McKEEBY: No. I mean, there needs to  
10 be a foundation laid as to how she knows about this  
11 other employee.

12 THE WITNESS: She's a friend.

13 THE COURT: I will let you ask the  
14 foundation question.

15 BY MR. PRYOR:

16 Q. Okay. I've got limited time here.

17 Where did this understanding come from that you  
18 have regarding how this last-chance agreement would  
19 be dealt with? Did you have a union rep?

20 A. I did.

21 Q. And what were you told?

22 A. She basically said it would be like a death  
23 sentence if I signed it again, or if I signed it.

24 Q. Not only that, you weren't willing to give up  
25 your rights to engage in union complaints and

1 freedom of religion?

2 A. Correct.

3 MR. PRYOR: Move for the admission of  
4 Exhibit 38.

5 THE COURT: 38. Any objection to 38?

6 MR. McKEEBY: No objection from Southwest.

7 MR. GREENFIELD: One moment, your Honor.

8 No objection, your Honor.

9 THE COURT: Okay. 38 is in. We will  
10 publish.

11 (The referred-to document was admitted  
12 into evidence as Trial Exhibit 38.)

13 MR. PRYOR: I ask to publish it to the  
14 jury, your Honor.

15 THE COURT: It is published.

16 MR. PRYOR: Okay. Thank you.

17 BY MR. PRYOR:

18 Q. Ma'am, let me ask you a little bit about your  
19 damage claim.

20 A. Okay.

21 Q. I think you were crying on your floor with your  
22 husband praying when you found out you had been  
23 terminated.

24 MR. McKEEBY: Objection, leading.

25 MR. PRYOR: I'm laying the predicate for

1 where we left off.

2 THE COURT: You can do it.

3 BY MR. PRYOR:

4 Q. Is that where we were?

5 A. Yes, that is correct.

6 Q. And again, I have limited time, but that point  
7 in 2017 to now, has that caused stress in your life?

8 A. It has caused so much stress in my life, but  
9 what really gets me is my daughter.

10 Q. And the impact on your family has an impact on  
11 you?

12 A. Correct.

13 Q. Okay. What is a walking stroke?

14 A. So that's when you don't have -- my blood  
15 pressure was spiking so high and it was going -- I  
16 can't even explain it. But I wasn't getting enough  
17 oxygen to my brain even though I was -- I didn't  
18 pass out.

19 But I had -- my doctor called it I was in a  
20 fight-and-flight response in a constant manner. I  
21 wasn't eating, I wasn't sleeping.

22 I mean, my job meant everything to me. It was  
23 my career. It was the way I provided for my family  
24 along with my husband. And on top of that, I loved  
25 my job.



1 But I ended up in the hospital. I was on  
2 another -- I had another venture, which I knew I had  
3 to do after I lost my job. And I ended up in the  
4 emergency room. I have six hours that I cannot  
5 recall, and I thought I had been drugged.

6 So I was able -- my husband told me, he said,  
7 "You've got to get to the hospital. You are not  
8 talking" -- I was on the phone with him. I was in  
9 St. Louis, Missouri.

10 This was between the time that I had my job  
11 taken away from me and my second step meeting, and I  
12 was preparing for all of that as well.

13 I went to dinner with a business partner, and  
14 he said I just keep repeating, repeating, repeating,  
15 repeating everything that I was saying, and he  
16 thought it was really odd.

17 But I drove myself back to the -- I don't even  
18 remember driving back to the hotel.

19 So I got to the hospital. They drug tested me.  
20 They did an MRI. But he just said it's --

21 MR. McKEEBY: Objection, hearsay.

22 MR. PRYOR: It's her understanding, your  
23 Honor.

24 THE COURT: I'll allow it.

25 THE WITNESS: He said it was due to the

1 fact that I had so much stress in the  
2 fight-and-flight response that it caused my blood  
3 pressure to rise to an extreme level, and my heart  
4 was doing racing and then stopping and then racing  
5 and stopping. It was just constant.

6 And physiology in your body, it changes  
7 you. I was later diagnosed just by, from my  
8 counselor, because I had to go to some counseling  
9 for this, with a mild case of PTSD.

10 BY MR. PRYOR:

11 Q. Posttraumatic stress disorder associated with  
12 losing your job?

13 A. Yeah. After 20 years --

14 MR. McKEEBY: Objection, leading, and it  
15 also is asking the witness to render essentially an  
16 expert opinion as to the causation of this PTSD.

17 THE COURT: Sidebar.

18 (Thereupon, the following proceedings were  
19 had at sidebar:)

20 THE COURT: Now state your objection.

21 MR. McKEEBY: My objection is that he's  
22 asking her to link her PTSD to her employment. That  
23 is something that an expert can do, but she is a lay  
24 witness and she can't do that.

25 And moreover, it's hearsay, because she's

1 talking about what a doctor told her about that  
2 issue.

3 So it should be excluded on both of those  
4 grounds, particularly the first.

5 MR. GREENFIELD: I would like to add in  
6 also a hearsay objection that she's saying these  
7 things as if they are true, but not -- not any sort  
8 of mental impression or how she acted or actions she  
9 took because of the information.

10 MR. PRYOR: PTSD, I simply defined what  
11 the term meant. The other is her understanding of  
12 her condition and what caused it.

13 It's totally appropriate. If they want to  
14 cross-examine her, they can.

15 THE COURT: I think it is offered for its  
16 truth is the problem. So right now we are on to  
17 damages, so it's a prove-up on damages. So I will  
18 strike that.

19 MR. PRYOR: Okay.

20 (Thereupon, the sidebar was concluded and  
21 the following proceedings were held in open  
22 court:)

23 THE COURT: Okay. So I am sustaining that  
24 objection, striking that last question and answer.

25

1 BY MR. PRYOR:

2 Q. Did you understand that your condition was  
3 stress-related?

4 A. Yes.

5 Q. Did you ever have a walking stroke before being  
6 terminated by Southwest Airlines?

7 A. No. I never knew what it was.

8 Q. Did you -- did anyone ever tell you that you  
9 had posttraumatic stress disorder until you were  
10 terminated from American Airlines -- Southwest  
11 Airlines?

12 A. No.

13 Q. And did you have to go on medication?

14 A. I did. Blood pressure.

15 Q. Blood pressure medication?

16 Okay. Now, you talked about the impact on your  
17 family, your daughter, your own health.

18 Is there any amount of money we could offer you  
19 to risk your life for this? If we said, Hey, we  
20 will give you this money to go through this again?

21 A. No, not at all.

22 Q. If I offered you a million bucks, you would  
23 take it?

24 A. To go through this again?

25 Q. Yes.

1 A. No.

2 Q. Let me ask about, did you try and get a job  
3 while -- after you got fired?

4 A. I did, but I was also working on a business  
5 venture as well. So I applied to Jet Blue, Delta,  
6 and United. I had an interview with United. And  
7 they turned me down. And then Delta never sent me  
8 the link for the online video, and we still to this  
9 day don't know why that happened.

10 Q. Did you apply with Frontier as well?

11 A. I did.

12 Q. Let me show you Exhibits --

13 MR. PRYOR: We move for the admission of  
14 Exhibit 130 and Exhibit 42.

15 THE COURT: 130 and 42. Any objections to  
16 130 or 42?

17 MR. GREENFIELD: None from the Union, your  
18 Honor.

19 MR. MCKEEBY: No objection.

20 THE COURT: Okay. They are admitted into  
21 evidence and we are publishing.

22 (The referred-to documents were admitted  
23 into evidence as Trial Exhibits 130 and 42.)

24 BY MR. PRYOR:

25 Q. Ma'am, is Exhibit 130 a copy of your W-2?

1 MR. PRYOR: It looks like 2012. I'm not  
2 sure how far it's going to go. Keep scrolling.

3 THE WITNESS: Yes, those are my W-2s.

4 MR. PRYOR: And is that 130?

5 MR. HILL: 130, yes, sir.

6 MR. PRYOR: Then let's look at 42. There  
7 it is.

8 BY MR. PRYOR:

9 Q. There's some additional years of W-2 and  
10 earning summaries?

11 A. Yes.

12 Q. Now, a couple of years before you were  
13 terminated, you didn't fly as much as you usually  
14 did, true?

15 A. True.

16 Q. Can you explain to us why?

17 A. When we moved to Denver, my husband had -- he  
18 had been sober for six years, and when we moved to  
19 Denver, I started flying more. And I was going to  
20 fly more because my daughter was a little bit older.  
21 But as soon as we got there, the drinking started  
22 again pretty heavily.

23 One of my very first trips -- I actually was on  
24 a trip with a friend of mine who is in the audience,  
25 Kim Hensley -- and came back that night to my home

1 being all lit up and both garage doors open and the  
2 car door to his car in his garage open.

3 And I thought, Oh, my gosh. I mean, something  
4 happened, okay?

5 I walked into the house, and the dog is  
6 running -- I have a 120-pound bloodhound, and she's  
7 just running all over the house. Lights are all on  
8 in the house, the TV is blaring, and my husband is  
9 drunk, just wasted, on the couch.

10 My daughter at that time was nine -- because  
11 we've been in Denver now 10 years -- she was nine.

12 And I'm like, Where is -- where is Hannah?

13 Well, she's upstairs.

14 And that was the first time I knew I could not  
15 leave Hannah alone at home with my husband while I  
16 flew.

17 Q. Okay. And has that situation gotten to the  
18 point that, in fact, you can fly?

19 MR. MCKEEBY: Objection, leading.

20 THE COURT: I'll allow it.

21 THE WITNESS: It got to the point where,  
22 no, I couldn't leave her, because it happened  
23 several times.

24 BY MR. PRYOR:

25 Q. Now.

1 A. Oh, now?

2 Q. Charlene, I just don't have time to go through  
3 everything you went to. The jury --

4 A. She's 19 and going off to college.

5 Q. Okay. So let me go back. Before you were  
6 terminated, did you have every intention of both  
7 working full-time and making Southwest Airlines your  
8 career?

9 A. Yes.

10 Q. And you are able to work full-time?

11 A. Yes.

12 Q. You would like to do that?

13 A. Yes.

14 Q. When were you able to go back full-time?

15 A. When?

16 Q. Yes.

17 A. Tomorrow.

18 Q. I'm sorry?

19 A. I could go back tomorrow.

20 Q. Okay. Let me ask you about the Union's duty of  
21 fair representation to you.

22 You liked Chris, the gentleman that was at the  
23 fact-finding meeting, he's from the Union?

24 A. Yes.

25 Q. And do you think, however, though, that the



1 Union reporting you to cause the fact-finding  
2 meeting was a fair representation of you?

3 A. Yes.

4 Q. Do you think it was a fair representation of  
5 them --

6 A. No, no.

7 Q. -- to report you?

8 Listen to my question. Understand we are not  
9 talking about Chris now, we are talking about the  
10 report that was made.

11 Do you think that the Union was giving you fair  
12 representation when they reported you?

13 A. No.

14 MR. PRYOR: Pass the witness.

15 Before I do that, I would like to offer  
16 Exhibits 126, 127, 128 and 129. They are medical  
17 bills and counseling bills.

18 THE COURT: So 126, 127, 128 and 129 is  
19 what you are offering?

20 MR. PRYOR: Yes.

21 THE COURT: Okay. Any objection on those  
22 exhibits?

23 MR. McKEEBY: No objection.

24 MR. GREENFIELD: No, your Honor.

25 THE COURT: Okay. So they are admitted.

1 (The referred-to documents were admitted  
2 into evidence as Trial Exhibits 126 through  
3 129.)

4 THE COURT: Do you want to flash them  
5 right quick for the jury?

6 BY MR. PRYOR:

7 Q. And while they are showing those, you went to  
8 counseling, ma'am?

9 A. Yes, I did.

10 Q. Why did you go to counseling?

11 A. Well, because I was having struggles about  
12 losing my job, and on top of that, now my husband  
13 was drinking even more because of the marriage --  
14 you know, this caused so many issues with my  
15 marriage and it caused so many issues especially  
16 with my daughter. She had to see this and she had  
17 to go through all of this. I lost five years with  
18 her doing this.

19 Q. And the struggles that you had with your  
20 husband when he was dealing with the drinking issue,  
21 did the problems that you were dealing with from not  
22 having your job and having been fired by Southwest  
23 Airlines, did that make it better or worse?

24 A. Worse.

25 Q. All right. Thank, you ma'am.

1 MR. PRYOR: Pass the witness.

2 THE COURT: Okay. Mr. McKeeby.

3 MR. MCKEEBY: Thank you, Your Honor.

4 CROSS-EXAMINATION

5 BY MR. MCKEEBY:

6 Q. Good morning, Ms. Stone -- Ms. Carter.

7 A. Good morning.

8 Q. Let's talk about the Step 2 hearing. When I  
9 use that term, you know what I'm referring to?

10 A. I do.

11 Q. And that was -- at the time of the Step 2  
12 hearing, I think we're talking about mid March of  
13 2017, is that fair?

14 A. I believe so. It was March or April. I don't  
15 remember when the second step was. It was a little  
16 while.

17 Q. You know what, I don't remember either. We  
18 might show you some documents.

19 Here is the question, though: At the time of  
20 the Step 2 hearing, you had already received the  
21 termination decision from Mr. Schneider?

22 A. Correct.

23 Q. And so the Step 2 hearing was an opportunity  
24 for you essentially to appeal that decision, is that  
25 fair?

1 A. Correct.

2 MR. PRYOR: Object, limine, your Honor.

3 THE COURT: I'll allow it.

4 MR. PRYOR: And continuing objection.

5 THE COURT: I will allow that continuing  
6 objection.

7 BY MR. McKEEBY:

8 Q. Describe for the jury what the Step 2 hearing  
9 looked like.

10 A. Well, the Step 2 hearing looked like -- I had  
11 Becky Parker, who was a representative for the Union  
12 for grievances, and then I my liaison, Beth Ross,  
13 with me.

14 It was Mike Sims across the table from me, and  
15 then I can't remember who he had sitting there  
16 taking notes. It may have been Edie Barnett. I  
17 just don't remember.

18 Q. I've been calling it, and I think we have in  
19 this case, a hearing. But you weren't under oath or  
20 anything like that, were you?

21 A. No.

22 MR. PRYOR: Your Honor, can we approach?

23 THE COURT: You may.

24 (Thereupon, the following proceedings were  
25 had at sidebar:)

1 MR. PRYOR: Your Honor, the question he  
2 asked was: You had a chance to appeal your  
3 termination. That's the Step 2 process.

4 That's not the issues that are in front of  
5 the jury today, and I think it's confusing to them.  
6 I think it needs a limiting instruction to the jury  
7 that Step 2 is not the issues we are about here  
8 today. I would ask for that.

9 THE COURT: I understand. So I will let  
10 you bring that up on redirect.

11 MR. PRYOR: She's not a lawyer, and I have  
12 very limited time. Southwest has gotten about 30  
13 limiting instructions from the Court.

14 THE COURT: I think you asked earlier a  
15 question of her that she answered, which was: Did  
16 they consider your religious claims or your union  
17 speech claims? I think she can answer that again  
18 with one sentence.

19 Now, do I need to put it in the jury  
20 charge? That's another question.

21 MR. PRYOR: I think the jury needs it in  
22 context, but I appreciate it. You're overruling my  
23 request?

24 THE COURT: I am.

25 MR. PRYOR: Thank you, your Honor.

1 (Thereupon, the sidebar was concluded and  
2 the following proceedings were held in open  
3 court:)

4 THE COURT: You can proceed.

5 BY MR. McKEEBY:

6 Q. Did you have any -- you mentioned the name Mike  
7 Sims. Had you met Mr. Sims before the Step 2  
8 hearing?

9 A. Yes, I know Mike Sims from years ago.

10 Q. What do you think of him?

11 A. He's a nice guy. He used to work for the  
12 Union. He actually was a flight attendant.

13 Q. And you would agree with me that he was fair to  
14 you during the hearing, was he not?

15 A. They all were fair to me.

16 Q. And he gave you the chance during the Step 2  
17 hearing for you to tell your side of the story?

18 A. Correct.

19 Q. I mean, do you remember in your deposition you  
20 made the statement that Mr. Sims was amazing?

21 A. I mean, he listened to me. I had a huge case  
22 that I put in front of him.

23 Q. And part of that case involved you presenting  
24 documents to Mr. Sims, correct?

25 A. That is correct.

1 Q. And there were quite a number of documents that  
2 you submitted to him at the beginning of the  
3 hearing, correct?

4 A. Yes, because I had to make my case.

5 Q. You had to make your case.

6 A. Uh-huh.

7 Q. Because you wanted your job back, correct?

8 A. Yes.

9 Q. That was your goal at the Step 2 hearing was to  
10 get your job back?

11 A. Yes, sir.

12 Q. And you came prepared with a packet of  
13 documents that the Union assisted you in compiling,  
14 fair?

15 A. No, the Union didn't do any of that work. I  
16 did it all on my own.

17 Q. Did it all on your own. Fair enough.

18 MR. McKEEBY: I would like to bring up  
19 Exhibit 118.

20 This is the first page. Let's go to the  
21 next page.

22 MR. PRYOR: Is this in evidence?

23 THE COURT: This is muted from the jury.  
24 So just raising it with the witness for now.

25

1 BY MR. McKEEBY:

2 Q. Does this look like at least the first part of  
3 the packet?

4 MR. PRYOR: Object to improper use of a  
5 document that's not in evidence. He's not asking to  
6 refresh her recollection.

7 MR. McKEEBY: I've got to establish --

8 THE COURT: You can set the predicate.

9 BY MR. McKEEBY:

10 Q. Does this look like the packet of documents  
11 that you provided to Mr. Sims at the Step 2 hearing?

12 A. It is, but it says "Audrey Stone" on it.  
13 Before it said "Audrey Stone, TWU."

14 Q. Okay. If I told you that this packet of  
15 documents was -- hold on -- 148 pages, would you  
16 agree?

17 A. I don't know how many pages it was.

18 Q. I'm not going to make you count them. It will  
19 be into evidence, and the jury can do so if it  
20 chooses.

21 But I think you did tell me that you and  
22 Mr. Sims, at the Step 2 hearing, went through page  
23 by page of these documents that you had assembled,  
24 correct?

25 A. It wasn't page by page, but it was -- I had



1    them clipped together and I presented that  
2    information to him. Because there were several  
3    things that were in each of those packets. And I  
4    was able to explain what was in those packets, and  
5    he said that he would take a further review of that  
6    after our meeting.

7    Q.    Let's go through a few of those things.

8                   MR. McKEEBY: But before I do, I move to  
9    admit 118.

10                  THE COURT: Objections from -- well, last  
11    night, I should say?

12                  MR. PRYOR: Your Honor, we object on  
13    foundation, hearsay, and our continuing objection  
14    under Step 2 and undue prejudice regarding the  
15    characterization of this.

16                  THE COURT: Understood.

17                  I will overrule those objections and admit  
18    118. We can publish to the jury.

19                  (The referred-to document was admitted  
20    into evidence as Trial Exhibit 118.)

21    BY MR. McKEEBY:

22    Q.    Let's move to page 118.10. I just want to ask  
23    you about a few of these that I don't think we've  
24    talked about before, and just if you can tell me  
25    what they are.

1 MR. McKEEBY: So 118.110 would be the one  
2 I would want you to pull up first.

3 BY MR. McKEEBY:

4 Q. What is this about?

5 First of all, this is an email from you to  
6 someone named Jim Little?

7 A. Yes. Jim Little was our executive -- well, he  
8 used to be our liaison, and I dealt with him during  
9 Melissa Smith's trial. Jim Little ended up being  
10 the international president of TWU.

11 Q. So he's someone who is above the Local 556  
12 level, the defendants in this case, correct?

13 A. That is correct.

14 Q. So in this case, you are reaching out to him  
15 about a complaint that you have regarding someone by  
16 the name of Don Shipman?

17 A. Yes. This is back in 2013 when everything  
18 started to fall apart with our union.

19 Q. I understand. We have been looking at some old  
20 documents during this case.

21 MR. McKEEBY: Why don't we go to 118-112.

22 BY MR. McKEEBY:

23 Q. It looks like another complaint to the  
24 international, Mr. Little, about Don Shipman, is  
25 that fair?

1 A. That is correct.

2 MR. McKEEBY: How about 118-116.

3 BY MR. McKEEBY:

4 Q. Just take a second to look that. It looks like  
5 another email from you to Mr. Little of the  
6 international?

7 A. Yes. It's because they came in and removed our  
8 elected officials again.

9 Q. So here you are complaining again to the  
10 international union, correct?

11 A. Correct.

12 MR. McKEEBY: Okay. We can take that  
13 down.

14 BY MR. McKEEBY:

15 Q. During the Step 2 meeting with Mr. Sims -- by  
16 the way, Mr. Sims hasn't appeared before the jury in  
17 this case yet, has he?

18 A. He had a deposition, but not in here.

19 Q. During the Step 2 hearing, you told Mr. Sims  
20 that you loved your job.

21 A. I still do.

22 Q. And you told him that?

23 A. Yes.

24 Q. And you told him that you loved Southwest,  
25 didn't you?

1 A. Yes. I love the company that I started out  
2 with, yes.

3 Q. And your objective at that Step 2 hearing was  
4 to get your job back?

5 MR. PRYOR: Object, asked and answered.

6 MR. McKEEBY: You can answer.

7 Or wait. I'm sorry.

8 THE COURT: I'll allow it.

9 THE WITNESS: Yes.

10 BY MR. McKEEBY:

11 Q. And you told him that, didn't you?

12 A. Told him --

13 MR. PRYOR: Object, asked and answered.

14 BY MR. McKEEBY:

15 Q. Told Mr. Sims that?

16 THE COURT: I'll allow it.

17 MR. PRYOR: Object, asked and answered.

18 THE WITNESS: That I wanted my job?

19 BY MR. McKEEBY:

20 Q. Yes.

21 A. Yes.

22 Q. You also told him during the Step 2 hearing  
23 that you could have made a better choice regarding  
24 Audrey?

25 A. Yes, I could. I could have taken those into

1 her office and talked to her. Although she doesn't  
2 respond to us, she never took my calls. I mean, she  
3 was pretty non-responsive as a union president.

4 Q. I understand all of that.

5 But you didn't say all of that to Mr. Sims.  
6 What you told Mr. Sims is, I could have made a  
7 better choice regarding Audrey?

8 MR. PRYOR: Object, improper use of  
9 whatever he's referring to, he has to show her.

10 THE COURT: No speaking. You can ask for  
11 a sidebar if you want to.

12 MR. PRYOR: No.

13 MR. McKEEBY: I will tell you what. I  
14 will do exactly what counsel suggests. Let me go  
15 ahead and pull up but don't introduce Exhibit 119.

16 MR. PRYOR: It's not for -- object to, if  
17 he's offering it.

18 You can show the witness --

19 MR. McKEEBY: I am going to show the  
20 witness.

21 MR. PRYOR: He can make faces if he wants  
22 to.

23 THE COURT: Hold on, Counsel.

24 Okay. You can set the predicate with the  
25 witness.

1 MR. McKEEBY: I'm headed this way, but --

2 THE COURT: You can set the predicate with  
3 the witness.

4 MR. McKEEBY: Okay. I'm sorry.

5 MR. PRYOR: I'm simply asking the witness  
6 be treated fairly.

7 MR. McKEEBY: I'm going try to treat --

8 THE COURT: You can ask the predicate to  
9 the witness.

10 MR. McKEEBY: Incredible to hear that  
11 coming from Mr. Pryor.

12 But I will move on and ask that the  
13 witness look at page 119-point -- hold on -- 15.

14 BY MR. McKEEBY:

15 Q. I will represent to you that these are the  
16 notes from the Step 2 hearing, and I understand that  
17 you haven't seen these before.

18 But at the very bottom, it says, "I could have  
19 made" --

20 MR. PRYOR: Object, improper use of a  
21 document not in evidence. Improper impeachment. He  
22 hasn't established an inconsistency or allowed her  
23 to comment on it.

24 THE COURT: Sustained.

25 MR. McKEEBY: She said she wasn't sure

1 that she remembered that.

2 THE COURT: Sidebar.

3 (Thereupon, the following proceedings were  
4 had at sidebar:)

5 MR. McKEEBY: I think that is an  
6 inconsistency.

7 THE COURT: She couldn't remember what?

8 MR. McKEEBY: She couldn't remember if she  
9 said, "I should have made a better choice regarding  
10 Audrey."

11 MR. PRYOR: She absolutely said she could  
12 make a better choice.

13 THE COURT: I thought she admitted that  
14 she could have by talking in person.

15 MR. PRYOR: Yes. So how is -- and this is  
16 someone else's notes.

17 (Thereupon, the sidebar was concluded and  
18 the following proceedings were held in open  
19 court:)

20 THE COURT: All right. I will sustain  
21 that. You can ask a new question.

22 BY MR. McKEEBY:

23 Q. Did you also tell Mr. Sims during the Step 2  
24 hearing that this has nothing to do with Southwest,  
25 it's between you and the Union, or words to that

1 effect?

2 MR. PRYOR: Once again, your Honor --

3 THE COURT: No speaking objection, just  
4 code.

5 THE WITNESS: I meant that --

6 THE COURT: Hold on.

7 MR. PRYOR: Step 2 issue. The very nature  
8 of this question mischaracterizes the Step 2  
9 hearing.

10 THE COURT: Okay. I will allow the  
11 question.

12 THE WITNESS: Can you ask that question  
13 again?

14 THE COURT: You can ask the question  
15 again, Mr. McKeeby.

16 MR. MCKEEBY: I could if I could remember  
17 it.

18 THE COURT: I can read it back.

19 Did you also tell Mr. Sims during the  
20 Step 2 hearing that this has nothing to do with  
21 Southwest, it is between you and the Union, or words  
22 to that effect?

23 You can answer.

24 THE WITNESS: Okay. What I meant in my  
25 Step 2 meeting was when I sent that information to



1 my union president that it had nothing to do with  
2 Southwest Airlines, it wasn't done at Southwest  
3 Airlines, Southwest Airlines brought me in for a  
4 fact-finding meeting and they now are involved.

5 BY MR. McKEEBY:

6 Q. And you also said during the Step 2 hearing  
7 that you would not do it again, you wouldn't send  
8 messages like that again, did you not?

9 A. I don't recall that. You are going to have to  
10 show that to me.

11 Q. Well, I'm not going to do that. I will do that  
12 otherwise.

13 A. If I could have gone to a union meeting, I  
14 could have taken the exact same information, shown  
15 that at the meeting, and I would have never been  
16 turned in.

17 The way they did this was to use the social  
18 media policy against me. Because I was an objector,  
19 I couldn't do the same as an actual member, but I  
20 still paid dues.

21 BY MR. McKEEBY:

22 Q. Well, you had a complaint -- Ms. Stone  
23 complained to Southwest, correct?

24 A. She's my union president, and yes, it was union  
25 business. It was absolutely something that had

1 nothing to do with Southwest. It had never been  
2 done like that before.

3 Q. It had nothing to do with Southwest until  
4 Ms. Stone made a complaint to Southwest, fair?

5 A. Correct. And then Southwest Airlines got into  
6 union business.

7 Q. And you don't think they should have done that?

8 A. Absolutely not.

9 Q. Even though Ms. Stone was a fellow flight  
10 attendant?

11 A. Sir, there is a difference between when she ran  
12 for president, she became the union president. She  
13 knew that there were going to be complaints or good,  
14 you know, accolades coming her way from members,  
15 either way, it was dealt with in the union. There  
16 is a separation between the two, and it had always  
17 been that way until Audrey Stone took over.

18 Q. But she was a fellow employee, correct?

19 MR. PRYOR: Objection.

20 THE COURT: I will allow it.

21 THE WITNESS: She was a fellow employee  
22 before she took the hat on as our union president  
23 and her union business of what she actually did with  
24 our union dues.

25

1 BY MR. McKEEBY:

2 Q. So is your testimony to the jury that because  
3 she was not only a Southwest employee but a union  
4 president, you could do anything you wanted with  
5 respect to Ms. Stone?

6 A. No, I'm not saying I would do anything I  
7 wanted, but this had everything to do about union  
8 business. They took these women, they spent our  
9 money, and I was complaining to my union president  
10 in regards to that very thing.

11 Q. Well, what couldn't you have done to Ms. Stone?

12 A. What -- repeat that, please.

13 Q. Let me change the question.

14 Is there any action you could have taken toward  
15 Ms. Stone for which Southwest could have disciplined  
16 you? Or because she's a union president, you can  
17 make any type of communication that you wanted to,  
18 whether it violated Southwest policies or not. Is  
19 that your position?

20 A. The communications that I had with my union  
21 president would have been just like if I was at a  
22 union meeting. I could have taken the exact same  
23 things and talked to that in the union meeting, and  
24 Southwest could not have done a thing.

25 They used the social media policy.

1 Under -- because I'm an objector, I can't go to  
2 a union meeting. So instead, I voiced my concerns  
3 about how my money was being spent. And granted,  
4 she had been using that Facebook page completely for  
5 union business.

6 Q. Let me ask a question.

7 MR. PRYOR: I object to him interrupting  
8 the witness's answer.

9 THE COURT: I will let her finish the  
10 answer briefly and then you can ask a new question.

11 MR. PRYOR: Can you read the last  
12 statement she made so she can now have it in  
13 context?

14 THE COURT: "So instead, I voiced my  
15 concerns about how my money was being spent. And  
16 granted, she had been using that Facebook page  
17 completely for union business."

18 THE WITNESS: And, sir, I didn't post it  
19 on her page. It was a private message, just like an  
20 email. And I could have emailed it to her as well.  
21 I just didn't have her email at that moment.

22 BY MR. McKEEBY:

23 Q. So let me explore that a little bit.

24 Is it your position that if you had emailed  
25 Ms. Stone at her Southwest email address, you

1 wouldn't have been disciplined?

2 A. It wouldn't have been at her Southwest email  
3 address, it would have been to the Union email  
4 address.

5 Q. Your contention is that had Ms. Stone  
6 complained about these videos that you sent to her,  
7 if they were sent through a Union email address,  
8 your contention is you wouldn't have been  
9 disciplined?

10 A. I think that -- and I'm just going to back up.  
11 Anything that has to do with union business,  
12 union activity, union -- this had clearly been a  
13 Union march. We paid for it. That gave me the  
14 opportunity, at that point, to speak my dissent  
15 towards that.

16 They didn't even give us an opportunity to say,  
17 Please don't go, before they went. They never  
18 brought this to the membership until we saw it in  
19 the minutes, and then it was on TWU's website, 556,  
20 international's website, and also the AFL-CIO  
21 website.

22 Q. I get all that. I understand all that. I'm  
23 representing Southwest Airlines, as I know you are  
24 aware.

25 And my question then to you is, when Southwest

1 gets that complaint from what they regard to be a  
2 co-employee, a fellow flight attendant, what would  
3 you have them do, just ignore it?

4 A. Again, I'm going to say it. They never stepped  
5 in union activity or business until Audrey Stone  
6 took office. They started turning us in under the  
7 social media --

8 Q. Can you answer my question? Should they  
9 have --

10 MR. PRYOR: Object to the interrupting  
11 again of the witness. If he wants to make a  
12 motion --

13 THE COURT: Hold on. Hold on. Hold on.  
14 I thought she was finished.

15 Do you have anything to add to that  
16 answer?

17 THE WITNESS: No, I don't.

18 THE COURT: Okay. You can ask your  
19 question.

20 MR. McKEEBY: Move to strike as  
21 non-responsive.

22 MR. PRYOR: Well, she hadn't finished her  
23 answer.

24 THE COURT: She finished her answer. I  
25 won't strike it as non-responsive.

1                   You can ask your new question.

2   BY MR. McKEEBY:

3   Q.   Should Southwest have ignored the complaint of  
4   Ms. Stone? Is that your position?

5   A.   Yes.

6   Q.   Thank you.

7                   MR. McKEEBY: Let's go to Exhibit 40,  
8   please. Move to admit Exhibit 40.

9                   MR. PRYOR: Your Honor, we have a whole  
10   host of objections. I think we've raised them and  
11   have a continuing objection. I think they would  
12   apply here.

13                  THE COURT: Understood.

14                  I will overrule those objections and I'm  
15   allowing Number 40 in.

16                  You can publish.

17                  MR. GREENFIELD: No objection, your Honor.

18                  MR. McKEEBY: Admitted and published?

19                  THE COURT: Sorry. I knew you had no  
20   written objection. So if you have any to add,  
21   please let me know.

22                  (The referred-to document was admitted  
23   into evidence as Trial Exhibit 40.)

24                  THE COURT: Okay. We are publishing.

25

1 BY MR. McKEEBY:

2 Q. Can you identify this document, Ms. Carter?

3 A. Yes, I can. This is the last-chance agreement.

4 Q. And we actually now have a date here. It's  
5 April 17, 2017. Correct?

6 A. Correct.

7 Q. And I think, to be fair, the date that I had  
8 asked you about previously was the Step 2 hearing.  
9 If that's the date of the last-chance agreement,  
10 what's your best guess as to when the Step 2 hearing  
11 was, if you have one?

12 A. I think it is 7 or 10 days after the -- the  
13 Step 2 meeting is when they have to render a  
14 decision.

15 Q. Okay. So then the Step 2 hearing would have  
16 occurred probably 7 to 10 days prior to April 17?

17 A. Correct.

18 Q. How did you get this letter?

19 A. It was sent to me in a package.

20 Q. Was it sent directly from Southwest or was it  
21 from the Union? Or do you recall?

22 A. You know what, I don't recall.

23 Q. You reviewed the document?

24 A. Uh-huh.

25 Q. You reviewed it with your union representative?



1 A. Yes. I talked to Beth about it, and Parker --  
2 I can't think of her name -- Becky Parker.

3 Q. She's the union representative?

4 A. She was at the time. But Beth Ross was my  
5 liaison.

6 Q. Let's go over some of the terms here. Let's  
7 look at the first bullet.

8 That says the company will reinstate you, the  
9 grievant, Charlene Carter, as a Denver-based flight  
10 attendant with no loss of seniority, correct?

11 A. Correct.

12 Q. That means you were getting your job back if  
13 you signed the agreement?

14 A. Correct.

15 Q. The next bullet say you will receive no back  
16 pay.

17 Did you have an understanding of what that  
18 meant?

19 A. I did.

20 Q. And that, in fact, meant that you would not get  
21 any payment for the time that you missed prior to  
22 had you signed the last-chance agreement, correct?

23 A. Correct.

24 Q. But that wasn't a big deal to you, was it,  
25 because you weren't flying very much anyway, fair?

1 A. I wouldn't say it's a big deal, but no, I  
2 wasn't able to fly at that particular time. I  
3 was --

4 Q. In fact, you hadn't flown at all in 2017?

5 MR. PRYOR: Once again, object to him  
6 absolutely stopping her from giving a full answer.

7 THE COURT: You can finish what your prior  
8 answer was.

9 THE WITNESS: Okay, contractually, and  
10 because of my seniority, I was able to bid my lines  
11 every month and I was able to give my trips away. I  
12 never harmed Southwest Airlines by doing so.

13 BY MR. McKEEBY:

14 Q. Right. And you hadn't flown at all in calendar  
15 year 2017 up to this point, had you?

16 A. You know what, I don't recall.

17 Q. Well, we will get to that later.

18 A. Okay.

19 Q. It says, the next bullet says that your  
20 termination will be reduced to a 30-day suspension  
21 beginning March 16th, correct?

22 A. Correct.

23 Q. And it was actually through and including the  
24 date that had already passed, so you were getting  
25 time served, so to speak, fair?

1 A. That is what -- yeah, that is what they told  
2 me.

3 Q. Let's go to the sixth bullet down about the --  
4 an exchange for the consideration.

5 This is the description of the document that  
6 they asked you to sign in connection with this, so  
7 some type of agreement, correct?

8 A. That is correct.

9 Q. You testified to that a bit when you were  
10 questioned by Mr. Pryor, correct?

11 A. Correct.

12 Q. And the next bullet says that, in addition --

13 MR. McKEEBY: Can you blow that part up?

14 BY MR. McKEEBY:

15 Q. "In addition, you are required to comply with  
16 all company policies and procedures, and any future  
17 violation of the Southwest Airlines workplace  
18 bullying and hazing policy, the social media policy,  
19 or harassment, sexual harassment, discrimination or  
20 retaliation policy would result in termination."

21 Do you see that?

22 A. Correct.

23 Q. You would agree with me that that is just a  
24 requirement that would apply to any employee of  
25 Southwest Airlines, they all had to comply with

1 those policies, fair?

2 A. Yes.

3 Q. And the next bullet is the one that starts with  
4 "This agreement will remain."

5 So this is the one that I think you talked  
6 about with Mr. Pryor a moment ago where it talks  
7 about something being in your file for 24 months.

8 And you objected to that period of time, do I  
9 understand that correctly?

10 A. Yes. For one. This was the first time that --  
11 and this is what Beth Ross told me. She goes, We  
12 have never done this before. Usually it's an  
13 18-month or less. And she did tell me that it's  
14 excessive.

15 Q. Ms. Ross, your union representative, told you  
16 that?

17 A. Yes, she did.

18 Q. So had it been the 18 months that you believed  
19 it should have been, would you have signed the  
20 agreement? Is that why we are here, the difference  
21 between 18 and 24 months?

22 A. No.

23 Q. You still wouldn't have signed it?

24 A. No. Because it was -- it was taking away my  
25 rights as an individual to speak to my union.

1 Because they were going to come back at me, and we  
2 have already seen that now within testimony, that  
3 Brian Talburt was going to be turning us all in  
4 again.

5 Q. But that's speculation, isn't it? You don't  
6 know that he was going to turn you in.

7 A. No, we all knew it as flight attendants. We  
8 all knew that this is what was going on.

9 Look at what he did to Jeanna Jackson. And  
10 she's here in the courtroom today.

11 MR. McKEEBY: Your Honor --

12 THE COURT: Let's stick to the questions.

13 BY MR. McKEEBY:

14 Q. You also, I think, expressed concern -- and  
15 maybe that's what you are expressing just now --  
16 that you might be punished for something that  
17 happened in the past.

18 A. Correct.

19 Q. But you had already provided Southwest with  
20 that packet of documents that showed all of the  
21 Facebook posts that you made in the past, right?  
22 The packet of documents you provided to Mr. Sims,  
23 you had already given him that, right?

24 A. On my Facebook page or on Audrey's?

25 Q. I'm talking about the packet of documents that

1 you provided to Mr. Sims. That showed the history  
2 of your Facebook communications with Ms. Stone,  
3 correct?

4 A. Yes. On Messenger, yes.

5 Q. Right. So Southwest had everything, right? Or  
6 was there something else that you had posted that  
7 you were worried that they might go back and find  
8 and discipline you for?

9 A. No. And that's not what I'm talking about.  
10 I'm talking about other -- and they were also  
11 protected speech which we were getting turned in  
12 for, because obviously it was protected for them in  
13 the core group.

14 But he had gone back and he was turning people  
15 in the day I got called in for this fact-finding  
16 meeting. He was looking back and trying to harm  
17 others. We knew this was going on because it had  
18 been going on for quite some time, and they were  
19 harming some really good people.

20 Q. Right. But if they went back to something that  
21 had happened in the past, you could say, No, wait a  
22 minute. This document protects me because it only  
23 tells me I have to comply with the policies going  
24 forward.

25 A. They would gotten me again if they found

1 something that they thought was egregious or they  
2 didn't like. I'm telling you, they were firing  
3 and -- Southwest Airlines --

4 MR. McKEEBY: Your Honor, limine.

5 THE COURT: I will say, so at this point I  
6 need to cut off the answer and say that if your  
7 counsel wants to ask you to supplement anything that  
8 you're thinking of, that's fine. As long as you  
9 have given an answer, then the next elaboration  
10 needs to be in the next round of testimony.

11 MR. PRYOR: And maybe, your Honor, I  
12 misunderstood the question. I thought it was an  
13 open-ended question that allowed her to answer. He  
14 asked. If I misunderstood, okay.

15 THE COURT: I will pause it now, and then  
16 you can ask a new question.

17 BY MR. McKEEBY:

18 Q. You would agree with me that had Southwest  
19 disciplined you for something you had done in the  
20 past, you would have the right to grieve that,  
21 correct?

22 A. No. I would have -- no. This right here said  
23 if I broke another policy, which if, let's say they  
24 found something in One Love or Sassy Stew or  
25 whatever, all of the other little Facebook page

1 things that were private, that Brian had and he  
2 turned in, this right here would have said, guess  
3 what, in that 24-month period, you have now violated  
4 again. I was not going to sign this.

5 Q. So your belief was that even if it happened in  
6 the past, was a post that you had made prior to  
7 April 17, 2017, Southwest could still discipline you  
8 for that?

9 A. It was happening. Yes.

10 Q. And you raised those concerns with Mr. Sims, I  
11 take it?

12 A. No. I raised those concerns with Beth Ross and  
13 with --

14 Q. With Ms. Ross --

15 MR. PRYOR: Objection, your Honor.

16 THE WITNESS: She was my liaison.

17 MR. PRYOR: He is continuously  
18 interrupting her answer. He knows what her answer  
19 is.

20 THE COURT: Hold on. We've got to keep  
21 separation between the end of the question and the  
22 answer.

23 BY MR. McKEEBY:

24 Q. Who was Ms. Ross?

25 A. She was my liaison.



1 MR. PRYOR: No. Object, your Honor. That  
2 was not the question. She was explaining what Beth  
3 Ross told her, and he interrupted it.

4 THE COURT: You can finish your  
5 explanation briefly on what Ms. Ross told you and  
6 then define who Ms. Ross was.

7 THE WITNESS: Beth Ross was my liaison.  
8 She's right there at the very top of that. She was  
9 my grievance specialist.

10 BY MR. McKEEBY:

11 Q. Fair enough.

12 At no point did you request of Mr. Sims, the  
13 person who you said was amazing and who was fair to  
14 you, Hey, I would like to talk about some concerns I  
15 have about this document?

16 A. I raised those with Becky Parker, and she said  
17 this was the best I was going to get.

18 Q. And Becky Parker --

19 A. And she --

20 Q. I'm sorry.

21 A. She's the union grievance chair, and I was  
22 going through her. I was told not to reach out to  
23 anybody in the company when I was in my fact-finding  
24 meeting and in my first first step meeting, that  
25 this was to go through the Union.

1 Q. Mike Sims never told you not to contact him,  
2 did he?

3 A. No. My union rep, though, was the one that I  
4 was dealing with with all of this.

5 Q. But no --

6 A. And I -- I raised those concerns with her.

7 She went to Mike Sims, I guess. I do not know  
8 that for a fact. But she told me, This is the best  
9 you are going to get, Charlene. So I did raise  
10 those concerns, but not personally with Mike Sims,  
11 no, I did not.

12 Q. And you could have?

13 MR. PRYOR: Object. Asked and answered.  
14 She just explained why she couldn't.

15 THE COURT: I'll allow it.

16 BY MR. McKEEBY:

17 Q. You could have contacted Mr. Sims, you could  
18 have disagreed with what the Union -- the advice  
19 that the Union was giving you? I mean, you are  
20 suing them in this case. Why couldn't you have  
21 picked up the phone and contacted Mike Sims or sent  
22 him an email saying, Look, I have got some real  
23 concerns about this agreement and what it means. I  
24 would like to talk to you about it?

25 MR. PRYOR: Object, asked and answered,

1 compound, argumentative.

2 THE WITNESS: Because that's exactly --

3 THE COURT: I'll allow it.

4 THE WITNESS: Because that is exactly what  
5 Becky Parker did for me.

6 And at this time, sir, I wasn't able to  
7 get Mike Sims' number anyway. I mean, I guess I  
8 could have asked Becky.

9 But they were handling all of this. At  
10 that point I was fired. I couldn't get online to  
11 get Mike Sims' number. And I'm not trying to be  
12 evasive or anything like that. But I was working  
13 through my union.

14 BY MR. McKEEBY:

15 Q. Understood.

16 I think you testified -- I forget if it was you  
17 or Ms. Stone -- but how many -- well, I'll ask the  
18 question.

19 How many times had you met Ms. Stone before  
20 sending the abortion videos to her?

21 A. One time.

22 Q. That was in 2013?

23 A. Correct. At a union meeting.

24 Q. Had you ever discuss Ms. Stone's view on  
25 abortion?

1 A. No.

2 Q. Did you ever discussed her religious views?

3 A. No.

4 Q. Did you know if she had any -- you testified  
5 Friday about your personal experience with abortion  
6 and how deeply that impacted you.

7 Did you ever ask Ms. Stone if she had anything  
8 similar in her past?

9 A. No, I didn't.

10 Q. Did you ever ask her if she had a family member  
11 that had to deal with an abortion issue or a close  
12 friend?

13 A. No. All of the stuff that I sent her had to do  
14 with them going to the march.

15 Q. Well, you sent her videos of aborted fetuses or  
16 babies, depending on your perspective, is what you  
17 said.

18 A. And they marched for Planned Parenthood.

19 Q. Okay.

20 And after you sent the videos to Ms. Stone, did  
21 you make any effort to follow up with her with any  
22 additional message?

23 A. No, I did not. As a matter of fact, she  
24 actually sent me stuff regarding how she wanted us  
25 and their committee to vote or to speak against the

1 national right-to-work foundation.

2 Q. Right. But you never reached out to her and  
3 said, Hey, I would like to have a little bit more of  
4 a dialogue. I sent you those videos, I wanted to  
5 make a point, and how I would like to talk to you a  
6 little further about my intent. Anything like that?

7 A. No, because she had never even reached out to  
8 me.

9 Q. She had a history of not responding to you, I  
10 think you testified to that, correct?

11 A. To all of the things that I was concerned about  
12 of them doing to our union, yes, she never reached  
13 out.

14 Q. And you never -- you didn't complain to the  
15 international like you did on the Don Shipman and  
16 other issues, you didn't reach out to them about  
17 Ms. Stone, did you? About the complaints that you  
18 had with respect to Ms. Stone --

19 A. Actually, I did. I actually made two phone  
20 calls to Mr. Samuelson and then Alex Garcia, and  
21 neither one of them called me back.

22 Q. Did you send them the videos?

23 A. No, I didn't send them the videos, but they  
24 knew that they had gone to the march.

25 Q. In fact, the only person that you sent those

1 videos to was Audrey Stone, correct?

2 A. My union president, yes.

3 Q. No other employee or anyone else at Southwest?

4 A. No, sir.

5 Q. The only one you sent them to was the person  
6 who had ignored you over the past three years when  
7 you were sending the other Facebook messages that we  
8 have seen in this case, fair?

9 A. I sent them --

10 MR. PRYOR: Object, asked and answered.

11 THE COURT: I'll allow it.

12 THE WITNESS: I sent them to my union  
13 president, yes, after the march.

14 BY MR. McKEEBY:

15 Q. Now, you attended a fact-finding meeting as  
16 well in the grievance process, fair?

17 A. That was the first meeting, yes.

18 Q. And that was the meeting with Mr. Schneider,  
19 correct?

20 A. It was a meeting with Mr. Schneider, Meggan  
21 Jones, who is also here in the courtroom sitting  
22 with you. And it was Denise Gutierrez. I can't  
23 remember if it was Edie Barnett that was on the call  
24 as well. And then my union rep, Chris Sullivan,  
25 yes.

1 Q. Ms. Gutierrez, was she there in person or was  
2 she on the phone?

3 A. She was on the phone.

4 And we were told that she was an attorney when  
5 we first got into the meeting.

6 Q. Who told you that?

7 A. I believe it was Ed Schneider.

8 Q. You found out later that he may have been  
9 mistaken about that?

10 A. That is correct.

11 Q. Any complaints about how Mr. Schneider treated  
12 you during the fact-finding meeting?

13 A. Not complete complaints, but I was pretty much  
14 being -- there were questions being thrown at me  
15 about how to use Facebook by Denise Gutierrez. I  
16 had questions from Ed Schneider.

17 My union rep pulled me out of that meeting  
18 three times and he said, They are badgering you.

19 MR. McKEEBY: Move to strike as hearsay.

20 MR. PRYOR: Object. He asked her what her  
21 thoughts were.

22 THE COURT: Hold on.

23 I will overrule that request.

24 MR. McKEEBY: Okay.

25

1 BY MR. McKEEBY:

2 Q. And you said Mr. Sullivan was your union  
3 representation at the meeting?

4 A. That is correct.

5 Q. And Mr. Schneider asked you questions during  
6 the meeting, I think you said.

7 A. Yes, he did.

8 Q. He talked to you about the social media policy  
9 during the meeting, correct?

10 A. That's the original claim that I was being  
11 called in for, and then it became the other with  
12 Audrey Stone. But yes, social media.

13 Q. Right. And he talked to you about the bullying  
14 and hazing policy, or the workplace bullying and  
15 hazing policy, correct?

16 A. I don't remember him talking about the  
17 workplace bullying and hazing -- I don't remember  
18 all of the conversation specifically.

19 Q. But you did go over those policies?

20 A. I don't remember going over the policies in the  
21 meeting.

22 Q. During the fact-finding meeting, Mr. Schneider  
23 asked you why you sent the videos, the abortion  
24 videos to Ms. Stone, correct?

25 A. Let me clarify something. Yes, he did ask



1 that, but I'm going to clarify something.

2 Those -- those videos that I sent, they were  
3 from an abortion site or somebody else posting them.  
4 But those are clearly babies, and I'm going to call  
5 them babies, and they are no different than if  
6 somebody had a preemie baby or a miscarriage.

7 Q. I understand that's your view and I don't want  
8 to argue with you about that. I mean, I respect  
9 your beliefs and Southwest respects your beliefs,  
10 and I'm not here to debate those beliefs.

11 My question was, did Mr. Schneider ask you, Why  
12 did you send those videos to Ms. Stone?

13 A. Yes. And I told him.

14 Q. What did you tell him?

15 A. I told him that I sent them because I'm a  
16 Christian, and that my union president took about 20  
17 women to the march in DC that was sponsored by  
18 Planned Parenthood, and they also had a banner that  
19 represented Southwest there at that march.

20 Q. And you also told him that you were a  
21 Christian, correct?

22 A. That is correct.

23 Q. And you also told him that abortion was a huge  
24 issue for you?

25 A. That is correct.

1 Q. And you also told Mr. Schneider that you do  
2 whatever you can to get the word out, correct?

3 A. To share my experience about -- yes. About an  
4 abortion, to save another life, or to help another  
5 young girl or woman, yes.

6 Q. Like Ms. Stone --

7 A. Like I went through.

8 Q. -- was she considering an abortion, as far as  
9 you knew?

10 A. Sir, again, those were sent in regards to the  
11 Women's March. I didn't send them to her as a  
12 person, I sent them to her as my union president  
13 that took these women, spent our dues money for  
14 transportation, for hotel, for food, and for  
15 whatever else, and they did not represent all of our  
16 members going to this march. We didn't even know.

17 MR. McKEEBY: Your Honor, non-responsive.

18 THE COURT: I will sustain that. I will  
19 strike it.

20 Your lawyer can ask you for any further  
21 elaboration in the next round of testimony.

22 You can ask a new question.

23 BY MR. McKEEBY:

24 Q. To come back to my question, and I don't think  
25 you answered it, what you told Mr. Schneider was

1 that this was an important issue for you and you do  
2 whatever you can to get the word out?

3 A. That is correct.

4 Q. But yet the only person you chose to send the  
5 video, the only person you chose to get the word out  
6 to was the person who had ignored you for the last  
7 three years when you were sending Facebook messages  
8 about other topics?

9 A. No. Actually, I also got called in for posting  
10 those videos on my personal Facebook page, which  
11 made no reference to Southwest or the Union. But  
12 the exact same videos on my personal page. I had  
13 been putting pro-life things on my page for years.

14 Q. Understood. That's a separate issue.

15 But the only Southwest-affiliated person who  
16 you directed those abortion videos -- however you  
17 want to characterize them -- the only person  
18 affiliated with Southwest who you sent those videos  
19 to was Audrey Stone, fair?

20 A. My union president for going to that march,  
21 yes.

22 Q. Thank you.

23 And let's talk about your motivation in sending  
24 that to her. You talked about that today and Friday  
25 as well, that you were -- you were upset that the

1 Union went on this Women's March that you contend  
2 was sponsored by Planned Parenthood, fair?

3 A. Yes.

4 Q. That made you angry, didn't it?

5 A. Not really angry. It disgusted me and it made  
6 me sad.

7 Q. And you -- I'm sorry. I'm sorry.

8 MR. PRYOR: Your Honor, again --

9 MR. McKEEBY: I thought she was finished.

10 THE COURT: And he stopped.

11 MR. PRYOR: After he interrupted.

12 THE COURT: Counsel, you are not in charge  
13 of the courtroom.

14 You can ask your next question. Sorry.

15 You can finish your answer. He had stopped.

16 BY MR. McKEEBY:

17 Q. I thought you were finished. I apologize.

18 Please go on.

19 A. Now, disgusted, yes. I thought it was a  
20 disgusting way to represent a very professional  
21 group of not just women, but also men, going to a  
22 march like that. It was political and it was also  
23 Planned Parenthood spons- -- we all know what that  
24 march was for.

25 Q. You sent that video to Ms. Stone because you

1 wanted to provoke an emotional response in her, did  
2 you not?

3 A. No.

4 Q. You wanted to shock her?

5 A. No.

6 Q. You saw Ms. Stone's response in this courtroom  
7 where she was not able to look at the video and she  
8 was sobbing.

9 Did you -- first of all, you saw that, right?

10 A. I saw her up here, yes. I don't know if she  
11 actually looked at the video. But yes, she was over  
12 here crying.

13 Q. Right. And she cried at the arbitration that  
14 you appeared in as well, right?

15 A. Yes.

16 Q. After the -- I'm sorry.

17 MR. PRYOR: Object to reference to the  
18 arbitration.

19 THE COURT: Hold on. Objection?

20 MR. PRYOR: Limine issue, arbitration.

21 THE COURT: Understood.

22 I will overrule that. The fact of is  
23 something that I have said we can discuss, but not  
24 the specific substance.

25

1 BY MR. McKEEBY:

2 Q. There was an arbitration after the Step 2  
3 hearing, correct?

4 A. Yes.

5 Q. At a hotel room here in Dallas, correct?

6 A. Yes.

7 Q. And Ms. Stone was at that hearing as a witness,  
8 correct?

9 MR. PRYOR: Your Honor, do I have a  
10 continuing -- I think I do.

11 THE COURT: You do.

12 MR. PRYOR: Thank you.

13 THE COURT: Thank you for asking. Yes,  
14 running objection.

15 BY MR. McKEEBY:

16 Q. Ms. Stone was a witness at that hearing,  
17 correct?

18 A. Yes, she was.

19 Q. The arbitration.

20 A. Uh-huh.

21 Q. And you were there during the entirety of the  
22 arbitration?

23 A. Yes.

24 Q. And you were represented by counsel at that  
25 arbitration?

1 A. Yes.

2 Q. And Ms. Stone had a similar reaction as she did  
3 in this courtroom when those videos were played at  
4 the arbitration; she was emotional, correct?

5 A. Yes.

6 Q. And that's precisely the response you wanted to  
7 evoke when you sent those videos to her, is that not  
8 true?

9 A. No, that's not true.

10 MR. PRYOR: Object, asked and answered.

11 THE COURT: Overruled.

12 BY MR. McKEEBY:

13 Q. So did you believe Ms. Stone in the courtroom  
14 and at the arbitration, or do you think she was  
15 playing it up for the jury?

16 A. When she went to the march, she had to have  
17 seen pro life on huge jumbotron screens of some of  
18 the most horrific, sad abortion pictures, because I  
19 knew people that were there. So if that didn't  
20 upset her, then how would this upset her? Because  
21 she took those women to that march.

22 Q. So your testimony is that because she attended  
23 the march, there would be no reason to think she  
24 would be upset by videos of aborted fetuses/babies?

25 A. Everybody is upset when they see something like

1 that, but it's the realization of what she went to  
2 and she supported.

3 Q. Everybody would be upset when they saw  
4 something like that, is that your testimony?

5 A. I believe -- I mean, it breaks my heart, yeah,  
6 it breaks my heart, but the only way to get the  
7 message across is for people to actually see what it  
8 is.

9 Q. After seeing Ms. Stone's reaction at the  
10 arbitration in the hotel in Dallas or here in this  
11 courtroom, do you have any regrets about what you  
12 did?

13 A. On a personal level, I'm sorry that it affected  
14 her in such a way, yes. But on a union level, maybe  
15 she should have reached out to all of us as  
16 dues-paying -- even though I'm an objector, we  
17 helped pay for that.

18 Don't represent us as -- to me, when you wear  
19 those pink -- and it's called the pink pussy hat  
20 project -- you are not representing us as women that  
21 I would think that most of our flight attendants  
22 would want.

23 Q. So you said a lot there, but I'm not sure that  
24 I heard an answer to my question, which is do you  
25 have any regrets about your conduct in sending those



1 videos of aborted babies to Ms. Stone?

2 MR. PRYOR: Object, asked and answered.  
3 She absolutely answered his question. He's just  
4 looking for a different answer.

5 THE COURT: I'll allow it.

6 THE WITNESS: To my union president that  
7 took the money, and those women -- and I'm kind of  
8 shocked with Southwest Airlines not --

9 MR. McKEEBY: Your Honor --

10 THE WITNESS: I would have done it again,  
11 yes, because that's the only way that I could have  
12 gotten my point across, that I do not ever want our  
13 representatives as we pay them -- I mean, this had  
14 nothing to with our jobs. Nothing.

15 BY MR. McKEEBY:

16 Q. You recognized some of the other attendees at  
17 the Women's March who were Southwest flight  
18 attendant pilots -- or, excuse me -- flight  
19 attendants?

20 A. I know pretty much all of them.

21 Q. You didn't send any of them the videos, did  
22 you?

23 A. No. They are not my president.

24 Q. Now, I think you alluded to it in your answer  
25 to my question. But you would agree with me that

1 you objected to the march for other reasons other  
2 than just your assessment that the marchers were  
3 supporting a pro-choice position, correct?

4 A. Reword that. Or not reword. Reask that again,  
5 I'm sorry.

6 Q. That's a fair request.

7 A. I'm sorry.

8 Q. That's all right.

9 You had problems with the other aspects of the  
10 Women's March, too, that didn't have anything to do  
11 with abortion, such as women's rights generally?

12 MR. PRYOR: Object to the relevance. It's  
13 not anything she raised.

14 THE COURT: No speaking objections.

15 I'll allow it.

16 BY MR. MCKEEBY:

17 Q. Let's go to -- well, I'm sorry. You can answer  
18 my question.

19 A. Well, it is kind of funny because I am a woman.

20 Q. I would agree.

21 A. And did she respect my rights?

22 Q. This isn't the setting for you to ask me  
23 questions.

24 A. I don't believe she respected our rights.

25 Going to that march, using our money, once again,

1 she didn't respect a lot of the membership by doing  
2 that.

3 Q. My question --

4 A. And I'm a woman.

5 Q. I understand that.

6 My question, though, Ms. Carter, is you  
7 objected to not just the pro-choice aspect of that  
8 march but to the march in general, to the fact that  
9 they were marching on behalf of women rights  
10 generally, is that fair?

11 A. No, my biggest objection was regarding who they  
12 were marching for and with, Planned Parenthood.

13 MR. McKEEBY: Let's go to Exhibit 98, and  
14 specifically 98.6, which is already in evidence.  
15 And specifically 98.6.

16 BY MR. McKEEBY:

17 Q. These are the fact-finding notes, Ms. Carter.

18 A. Okay.

19 Q. And the second portion where it talks about,  
20 okay, our union went to the Women's March.

21 MR. McKEEBY: Let me blow that up.

22 MR. PRYOR: Your Honor, object to improper  
23 impeachment. This is someone else's notes. He can  
24 ask her her recollection of what she said, but to  
25 impeach --

1 THE COURT: Hold on. That's speaking.

2 Yes, understood. You can use it in the  
3 manner that we just discussed, which is it's someone  
4 else's notes, but you can address them with her.

5 MR. McKEEBY: I'm sorry?

6 THE COURT: They are someone else's notes,  
7 but you can address them with her.

8 MR. McKEEBY: I'm using them to impeach  
9 her. I think.

10 BY MR. McKEEBY:

11 Q. All right. The sentence that starts with "I  
12 believe" that's about right over here.

13 A. Yes, I see that.

14 Q. "I believe we have women rights and no one is  
15 stomping on them. I believe we have the same rights  
16 as men." Correct?

17 A. As a flight attendant, absolutely. I have more  
18 seniority and more rights -- not rights, but more --  
19 because they were supposedly marching for pay and  
20 things like that.

21 Due to my job, and this is what I'm referring  
22 to, is I make more money than some men do as flight  
23 attendants because of the seniority range. I have  
24 been at Southwest for almost right at 21 years.

25 And there is -- so this, for me, I have all

1 kind of rights as a woman at Southwest Airlines. I  
2 never complained about my job.

3 Q. So this notion of flight attendants marching  
4 for equal pay you thought was ridiculous, fair?

5 A. In the -- when it comes to our job, and I would  
6 have figured, since they were saying they were  
7 representing flight attendants at this march, this  
8 is kind of irrelevant on our part.

9 Q. Let me go to the last sentence. Does that  
10 sound like something that you said?

11 "In 20 years I have never been in trouble. I  
12 don't try to hurt people. I love my job."

13 A. Yeah, I've never hurt anybody on my job.

14 MR. McKEEBY: Let's go to lower on the  
15 screen, if you can get rid of that.

16 BY MR. McKEEBY:

17 Q. So Mr. Schneider, at least according to these  
18 notes, indicates that he asked you if you knew for  
19 sure that Audrey was supporting Planned Parenthood  
20 or women's rights, correct? Right here. "Ed, do  
21 you know for sure"?

22 A. Yes.

23 Q. Do you see that?

24 It is down further.

25 A. Yes, I see it.

1 Q. And your response was "It was a whole plethora  
2 of things. It was sexual harassment, fair  
3 treatment, equal pay. We already get those things  
4 under the Constitution."

5 That's what you were referring about earlier,  
6 in terms of you don't believe there was any issue  
7 with equal pay and these other issues, fair?

8 MR. PRYOR: Object, mischaracterizes  
9 testimony. She just answered what she was referring  
10 to as it related to equal pay. He's trying to make  
11 it --

12 THE COURT: Hold on. That's a speaking  
13 objection.

14 I will overrule that. You can answer.

15 THE WITNESS: Okay. Can you ask that  
16 again?

17 BY MR. McKEEBY:

18 Q. Yes. I'm not sure if I can ask the exact  
19 question again, but I will try to get close.

20 You were telling Mr. Schneider that you didn't  
21 think any of these issues that were associated with  
22 the march, sexual harassment, fair treatment, equal  
23 pay, none of that was legitimate because you already  
24 get those things under the Constitution, correct?

25 A. I get those under my job and the Constitution.

1 Yes. All -- I don't believe that I am without equal  
2 rights at all.

3 Q. And you disagreed with the Union and the flight  
4 attendants marching in that march in support of  
5 these issues, fair?

6 A. When it comes to our jobs, this didn't have  
7 anything to do with our jobs. And that's what she  
8 represents when she took the banner that says -- I  
9 believe it's the representation of 556, Southwest  
10 Airlines flight attendants or whatever on the  
11 banner. She was representing us at this march.

12 Q. You also said during the fact-finding meeting  
13 that one of your reasons for sending Ms. Stone the  
14 videos was because you wanted to get her feedback on  
15 her position about abortion, correct? You wanted to  
16 open up a dialogue?

17 A. Can you show me that, where I wrote that, or  
18 where I said it?

19 Q. Sure. I can show you from the notes.

20 It's 98.11. If that refreshes your  
21 recollection. Again --

22 MR. PRYOR: Hang on one second. Counsel,  
23 I need to find the document.

24 Where is it? Go ahead. Thank you.

25 THE WITNESS: I see it.

1 BY MR. McKEEBY:

2 Q. It says -- I guess this is actually  
3 Ms. Gutierrez asking you -- "Are you familiar with  
4 her stance on abortion?"

5 And you say, "No, I was trying to get feedback  
6 on that."

7 A. I was trying to get feedback on it. They had  
8 taken -- they had taken those women.

9 Q. You were trying to get feedback from Ms. Stone?

10 A. She could have replied to me.

11 Q. By sending her videos of aborted babies, you  
12 were hoping to get feedback from a person who had  
13 ignored you for three years, is that your testimony?

14 A. Well, I would have hoped at this point, because  
15 it was such a hot topic, that she would have  
16 responded.

17 Q. And instead of responding, she made a complaint  
18 to Southwest Airlines, fair?

19 A. Correct.

20 Q. Did you really expect her to respond to you  
21 with that kind of dialogue when you sent those  
22 videos? Was that really your expectation?

23 A. Honestly, yes.

24 Q. Let's go to -- well, let's wait.

25 You also mention in your testimony that you



1 objected to the pink hats, correct?

2 A. That is correct.

3 Q. And your testimony, as I understand it, and I  
4 will let you correct me if I'm mistaken, but you  
5 believe those pink hats were designed to look like  
6 female genitalia?

7 A. The whole -- and I've got documentation on  
8 that -- but, yes, that is exactly what it was  
9 supposed to be. And that was confirmed to me by  
10 Jessica Parker.

11 Q. And who is that?

12 A. She was a union, I believe, shop steward at the  
13 time.

14 MR. McKEEBY: Let's pull 98 back and go to  
15 98.7. It sounds like a radio station.

16 BY MR. McKEEBY:

17 Q. This is a dialogue between you and  
18 Mr. Schneider and Ms. Gutierrez about the vagina  
19 hats, correct?

20 A. Uh-huh. Yes.

21 Q. And there is some discussion about what it  
22 means. Charlene, you say, "Yes, that's a pussy hat.  
23 It is supposed to be a vagina."

24 A. Uh-huh.

25 Q. And Ed at some point says, "It's a knit

1 stocking cap and it's pointed on the ends."

2 And then a few lines down you say, "It's a  
3 vagina hat, no different from what I sent to her."

4 Do you see that?

5 A. The whole reason that the women wore those hats  
6 was due to a remark that President Trump at that  
7 time had made about grabbing women, and that was  
8 what this --

9 MR. McKEEBY: Objection, non-responsive.

10 MR. PRYOR: It is responsive.

11 THE COURT: It's not. Hold on.

12 MR. McKEEBY: I just asked her what she  
13 said in the document.

14 THE COURT: I will sustain that objection.

15 Strike. Jury, please disregard.

16 You can ask the question.

17 BY MR. McKEEBY:

18 Q. I'm not trying to ask you about Mr. Trump, I'm  
19 just saying that this document at least reflects  
20 that you said, "It's a vagina hat. It's no  
21 different than what I sent to her."

22 Is that consistent with your recollection?

23 A. Yes.

24 Q. But that's not true, is it?

25 What you sent to Ms. Stone looked nothing like

1 the pink pussy hats that the --

2 A. What I sent to Ms. Stone --

3 Q. Hold on. Let me finish my question --

4 A. Okay.

5 Q. -- and then I will let you talk.

6 A. Okay. Of course.

7 Q. You would agree with me that what you sent to  
8 Ms. Stone via Facebook Messenger showed pictures of  
9 women in hats that were not at all like the hats  
10 that the women in the Women's March wore?

11 A. Not her specifically. But if you will read  
12 what I wrote her, I said, "I'm so glad this is not  
13 the types of costumes that you wore and it was  
14 just" -- I think "just the hats that you did wear,"  
15 which I believed was degrading to us as women.

16 Q. But you are saying here in the meeting that the  
17 vagina hat is no different from what you sent to  
18 her. And by "her," you mean Ms. Stone.

19 A. It was supposed to represent exactly that same  
20 genitalia but in a little hat. Yes.

21 Q. Since you mentioned the message to Ms. Stone,  
22 let's go ahead and pull that up.

23 MR. McKEEBY: It's Exhibit 47.

24 THE COURT: Its already in, so we have  
25 unmuted the jury screens.

1 MR. McKEEBY: Can we blow that up a little  
2 bit so that she can see it?

3 BY MR. McKEEBY:

4 Q. This is what we were talking about, correct?

5 A. They didn't dress like that.

6 Q. They did not dress like that, did they?

7 A. No.

8 Q. But this is what you sent Ms. Stone?

9 A. That's correct. And this was some of the  
10 costumes that were there at the march.

11 Q. But you don't know that any Southwest flight  
12 attendant wore a costume like this, do you?

13 A. Honestly, no, I don't know, because we only had  
14 videos and short clips of just part of the march  
15 from them.

16 Q. But none of the pictures that we have shown in  
17 this case, and specifically of women in pink hats,  
18 show anything that looks like this?

19 A. No.

20 Q. And I understand you have an accommodation  
21 claim in this lawsuit, and we will get to that in a  
22 minute.

23 Is it your testimony or your position that  
24 Southwest should have accommodated you by allowing  
25 you to send photos like this to Ms. Stone? Or does

1 that -- well, I will let you answer that question.

2 A. First of all, I never knew you had to have an  
3 accommodation for anything at Southwest. I had  
4 never heard of what they referred to me as the ACT  
5 department.

6 And now, through testimony, I'm being told that  
7 it should have gone through employee relations.  
8 They didn't tell me that either.

9 But I specifically said, in my fact-finding  
10 meeting, that I was a Christian and this is why, you  
11 know, that I was totally against this march, and  
12 then taking those women and going.

13 Q. So let me get this straight, though. Is it  
14 your testimony and your position in this case that  
15 sending these pictures to Ms. Stone was an  
16 expression of your Christian faith?

17 A. When they were wearing the actual knitted hats,  
18 that was supposed to be a symbol and -- it was --  
19 and I've got it in my information. It's called the  
20 Pussy Hat Project. And no, it may not look just  
21 like this, okay, exactly like this, but it was in  
22 reference to exactly this.

23 Q. But my question to you is a little bit  
24 different, and it's as follows: You are claiming in  
25 this case that Southwest had some duty to reasonably

1 accommodate your religious beliefs. Correct so far?  
2 Do you understand that?

3 A. When I heard the testimony the other day, they  
4 did not consider it.

5 MR. McKEEBY: Your Honor, this is a  
6 yes-or-no question.

7 BY MR. McKEEBY:

8 Q. I just want to know what your understanding is  
9 of this position in this case. Yes or no?

10 THE COURT: Yes, and then you can  
11 elaborate in the next round. Thank you.

12 MR. PRYOR: I object to the extent he's  
13 trying to call for a legal conclusion about our  
14 position in this case. He wants to ask her facts --

15 THE COURT: Hold on. No speaking  
16 objections.

17 I will allow the question.

18 You can answer.

19 BY MR. McKEEBY:

20 Q. Should I repeat the question?

21 A. Please.

22 Q. I thought so.

23 It's your position in this case that Southwest  
24 Airlines should have accommodated your religious  
25 beliefs, fair?

1 A. I told them I was a Christian, yes.

2 Q. And is it your position that they should have  
3 accommodated your religious beliefs by allowing you  
4 to send this type of -- not this type -- this  
5 photograph to Ms. Stone? Is that part of your  
6 accommodation claim?

7 A. This picture was sent to my union president.  
8 Southwest should have never gotten involved in union  
9 business. If Audrey wanted to do something to me,  
10 they've got counsel right over there, they could  
11 have done something to me.

12 Q. So Southwest should have allowed you to send  
13 this picture to Ms. Stone, and they are wrong for  
14 punishing you for doing so, is your position?

15 A. Yes.

16 Q. And you indicated -- you can now take it  
17 down -- at the fact-finding meeting, and I think  
18 perhaps in this case, that the fact that those women  
19 were wearing the pink pussy hats was disgusting,  
20 that's the word you used, correct?

21 A. It was. It didn't represent any of us as  
22 women.

23 Q. And this isn't disgusting? This --

24 A. Like I said, she took the women to this march,  
25 and they were marching with women with -- I didn't

1 bring up the pussy hat part of it. They wore the  
2 hats that were supposed to be a symbol --

3 MR. McKEEBY: Your Honor, non-responsive.

4 THE WITNESS: I don't know how to answer  
5 that question.

6 BY MR. McKEEBY:

7 Q. Well, let me try and help you.

8 MR. PRYOR: I object to him interrupting  
9 her unless he gets a ruling from the Court.

10 MR. McKEEBY: I'm not getting responses to  
11 my questions.

12 THE COURT: I think the answer was  
13 sufficiently non-responsive to where now you can ask  
14 the question again.

15 MR. McKEEBY: Can you read the question?  
16 I don't remember.

17 (Thereupon, the requested portion was read  
18 back by the reporter as above recorded.)

19 MR. McKEEBY: Thank you.

20 BY MR. McKEEBY:

21 Q. I will ask it slightly differently.

22 You told us previously a moment ago that  
23 the hats that the women wore in Washington were  
24 disgusting.

25 Is this not disgusting to you, these



1 images?

2 A. As a woman going to that march, yes, they would  
3 have been disgusting. Again, I sent them to my  
4 union president who had taken those women to that  
5 march, and this was union business.

6 Q. And did you also send this photo to Ms. Stone  
7 with the hope that she would respond to open up some  
8 type of dialogue with you?

9 A. Yes. I was hoping for it.

10 MR. McKEEBY: I'm looking for this, your  
11 Honor.

12 BY MR. McKEEBY:

13 Q. Now, you have said repeatedly in response to  
14 some of my questions that it was wrong for Ms. Stone  
15 to turn you in to Southwest Airlines, fair?

16 A. Yes.

17 Q. I mean, that's the heart of your complaint in  
18 this case about the Union, that Ms. Stone, as  
19 president of the Union, turned you in, and that  
20 violated their duty of fair representation, fair?

21 MR. PRYOR: Object to a legal conclusion  
22 as what the main point of her legal case is.

23 THE COURT: Sustained.

24 BY MR. McKEEBY:

25 Q. Your claim against the Union is that they

1 violated their duties to you by Ms. Stone turning  
2 you in?

3 A. Yes.

4 Q. But it was okay for you to complain to  
5 Southwest about other employees who you believe  
6 violated the social media policy, was it not?

7 A. I did that one time.

8 MR. PRYOR: Objection, relevance.

9 I'm sorry, ma'am.

10 THE WITNESS: That's okay.

11 MR. PRYOR: Object to relevance, your  
12 Honor. In limine issue.

13 THE COURT: Hold on just a second.

14 I will overrule. You can answer.

15 THE WITNESS: Okay. The person that I  
16 actually wrote with a bunch of other flight  
17 attendants was against Brian Talburt, and he had  
18 made reference to executing employees, which either  
19 meant harming them in a physical way or harming them  
20 by turning them in and getting them fired.

21 MR. McKEEBY: And let's pull up Document  
22 61.

23 BY MR. McKEEBY:

24 Q. This is the complaint that you are talking  
25 about, correct?

1 MR. PRYOR: Your Honor, first of all, is  
2 this in evidence?

3 THE COURT: Sidebar.

4 (Thereupon, the following proceedings were  
5 had at sidebar:)

6 THE COURT: So it's not in evidence.

7 I understand your last limine issue she  
8 was talking about Southwest disciplines somebody,  
9 but now we are getting into 61, which is her  
10 complaint against Talburt.

11 So I know you had objections.

12 MR. PRYOR: I didn't ask for a sidebar. I  
13 can't afford them.

14 Our objection is --

15 THE COURT: I'm asking for this on my  
16 time.

17 MR. PRYOR: I appreciate that.

18 THE COURT: This is a morning session  
19 issue we didn't get to. Does that make sense? This  
20 is one of the close calls from last night.

21 MR. PRYOR: We've raised these issues in  
22 our limine. This is an issue from long ago. It is  
23 not related to this case.

24 And she filed this as an objector because  
25 she --

1 THE COURT: Before that, it is time for  
2 the morning break. Can I kick them out and then  
3 have -- let's come back a couple of minutes early on  
4 the 10-minute recess.

5 Can I ask you where in the limine ruling  
6 we talked about this? Because I don't remember.

7 MR. PRYOR: I hope I can, Judge, but I  
8 know that Mr. Gilliam can.

9 THE COURT: Okay. So tell him we will  
10 come back in eight minutes.

11 MR. PRYOR: If I'm wrong, I apologize, but  
12 I think it is there.

13 THE COURT: It's fine. We'll all look for  
14 it. No problem.

15 (Thereupon, the sidebar was concluded and  
16 the following proceedings were held in open  
17 court:)

18 THE COURT: Okay. We are going to take  
19 our morning break and talk about a legal issue right  
20 quick. So let's do a 10-minute break. We will come  
21 back at 10:50.

22 So remember the same instructions. You  
23 can only talk to your fellow jurors and court  
24 personnel just not about the case. Don't talk to  
25 anyone else and don't do any research about the

1 case.

2 We will see you in 10 minutes.

3 All rise.

4 (The jurors exited the courtroom.)

5 THE COURT: And you can leave the stand.

6 You can't talk to anyone about the case in the short  
7 break. We will see you at 10:48 to talk about our  
8 legal question.

9 All right. We are in recess.

10 (Recess.)

11 THE COURT SECURITY OFFICER: All rise.

12 THE COURT: Thank you. You can be seated.

13 Okay. So I asked to look into the limine  
14 issue. I can tell you what my thoughts are on the  
15 limine issue, but if you have a ready answer,  
16 Mr. Gilliam, then you can lay it on me.

17 MR. GILLIAM: I honestly don't think that  
18 it's in the limine itself.

19 THE COURT: I don't either.

20 MR. GILLIAM: But it is part of our  
21 objections that we made last night to exhibits.

22 THE COURT: I will concur on that.

23 So let me tell y'all what I'm thinking on  
24 61.

25 I'm thinking 61 stays out, and here is

1 why. I'm trying to think of 61 in conjunction to  
2 questions we had earlier on, for example, the equal  
3 pay question.

4 The equal pay question came up in some of  
5 the termination interviews. It came up in some of  
6 the signs that would say "Equal pay, pro choice, my  
7 body, my choice."

8 And so because that was information that  
9 you could see from that stack of exhibits was before  
10 Southwest since making the termination, then its  
11 relevance is higher even if it was not one of the  
12 stated grounds for the termination. So then  
13 prejudice isn't going to outweigh the relevance.

14 Here I don't see in the materials I have  
15 that this was information Southwest was looking at  
16 when making the termination. If it was, its  
17 relevance shoots up.

18 So I don't think its relevance is very  
19 high. I think there is some prejudice there to  
20 Carter if it comes in that outweighs whatever  
21 marginal relevance there is.

22 Tell me if you think I'm wrong.

23 MR. McKEEBY: I think you are wrong.

24 THE COURT: Go for it.

25 MR. McKEEBY: Two reasons, your Honor.

1                   One is that they have suggested through  
2 Ms. Stone and otherwise that the policy is  
3 ambiguous, employees didn't understand it.

4                   This shows that at least Ms. Carter  
5 understood it well enough to report another  
6 employee, A; and B, they have also suggested that --  
7 that the company at some level was in league or  
8 colluded with the Union to exclude and target and  
9 reprimand -- again, I understand that the limine  
10 ruling eliminated the actual discipline, but that  
11 has kind of -- has been stepped over, maybe not  
12 intentionally in every case.

13                  But -- but what the evidence will show on  
14 Southwest's side is that, look, there were objectors  
15 turning in union leaders and union leaders turning  
16 in objectors, and at some point Southwest just threw  
17 up their hands and said, We have got to assess these  
18 cases on their merit.

19                  So the fact that Ms. Carter turned in a  
20 union supporter is relevant as to that theme. So I  
21 think it should come in for that reason.

22                  I also think it should come in to rebut  
23 the notion that there is some ambiguity about the  
24 social media policy that prevented Ms. Carter from  
25 doing exactly what she did.

1 MR. GREENFIELD: Your Honor, if I may. I  
2 don't have a specific objection on this point other  
3 than a slightly different take on the relevancy  
4 issue.

5 Ms. Carter has consistently testified that  
6 Southwest should never get involved in union  
7 business. She is here turning in someone to  
8 Southwest to get them involved in union business.

9 It goes to Ms. Carter's credibility, and  
10 credibility is always relevant before the jury, your  
11 Honor.

12 THE COURT: Response.

13 MR. GILLIAM: Yeah. As for Southwest's  
14 response, I don't think that it really addresses  
15 your point. In fact, I think that to the extent  
16 their -- I think their relevance argument gets  
17 into -- would have to get into matters of similarly  
18 situated employee discipline that they themselves  
19 limined.

20 As for Local 556's response, there is a  
21 huge difference between a union president or other  
22 union actor reporting a non-member objector or other  
23 ordinary employee and an ordinary employee reporting  
24 comments about a threat of execution or public  
25 threat -- I'm sorry -- yeah, threat of public



1 execution against recall supporters.

2 THE COURT: Understood.

3 MR. GREENFIELD: If I may, your Honor.

4 THE COURT: Briefly.

5 MR. GREENFIELD: Ms. Carter has never  
6 equivocated about when, who, and what type of  
7 complaint should not be interfered with by Southwest  
8 Airlines, whether it was from herself, another union  
9 member, or another union president. It goes to  
10 credibility, your Honor.

11 THE COURT: I understand that argument.

12 So I haven't heard -- I hear the  
13 arguments. I haven't heard anything that changes my  
14 tentative ruling. So I will stick with my tentative  
15 ruling and keep 61 out.

16 So I'm ruling on the record that 61 is  
17 overly prejudicial, it lacks relevance.

18 So I think this is sufficient here, but if  
19 you want to offer it again when the jury is in the  
20 box, you can do that, just like I let Mr. Pryor do  
21 that earlier, at trial.

22 MR. GREENFIELD: You Honor, may I have  
23 some clarity a little bit more in-depth on this  
24 topic?

25 I understand that the document is out. Is

1 discussing Ms. Carter -- with Ms. Carter about  
2 whether she turned anyone in for the social media  
3 policy without going into specifics regarding  
4 Mr. Talburt, is that acceptable?

5 MR. PRYOR: It is the same issue.

6 THE COURT: What are you asking for?

7 MR. PRYOR: It is the same issue.

8 MR. GILLIAM: Yeah, it is the same issue.  
9 I don't think the issue is any different. So I  
10 would say, yes, it is out.

11 THE COURT: But no one has moved for that  
12 yet. So he just suggested you move for that.

13 Are you moving for that?

14 MR. GILLIAM: Yes.

15 THE COURT: Basically a limine point on  
16 this issue.

17 MR. GILLIAM: So moved.

18 MR. GREENFIELD: Your Honor, I find this  
19 different. This is exactly the bright line you've  
20 drawn in your limine instructions, because we asked  
21 for the same limine instructions that Southwest  
22 requested on comparator evidence, et cetera.

23 It was granted for them and it was not for  
24 us. Hence, the consistent instruction that goes to  
25 you may consider this evidence against the Union but

1 you may not consider this evidence against  
2 Southwest.

3 So if all of those instances can be  
4 considered against the Union, we also need to be  
5 able to consider what Ms. Carter's actions were.

6 THE COURT: I understand that, but I don't  
7 think there is a reason for separation here. That  
8 separation for the evidence you are speaking of was  
9 that it's not just not relevant to claims against  
10 Southwest because there is no comparator claim. It  
11 is just a direct discrimination claim. But it does  
12 go to your duty of fair representation claim that  
13 you have against the Union.

14 So I don't see the lack of congruence here  
15 stemming from the claims. I just think it's not  
16 relevant. It's overly prejudicial regarding both  
17 parties. So I don't think it comes in to either  
18 party.

19 So what I understand your request to be is  
20 that it's not just the exhibit, it's the discussion  
21 about it that should stay out.

22 MR. GILLIAM: Yes, your Honor. So moved  
23 to keep out any testimony.

24 THE COURT: Okay. I mean, you know my  
25 underlying rationale, but is there any argument

1 Southwest or the Union wants to make that we should  
2 allow discussion other than on the exhibit?

3 MR. GREENFIELD: Just not the specifics.  
4 If we want to talk about the specifics about -- and  
5 I think it's already come out. I think the door has  
6 been opened and the jury has heard it, so I don't  
7 know that we can put the cat back in the bag to a  
8 certain extent.

9 But is it proper to inquire whether she  
10 has made any complaints, period, against other  
11 Southwest employees? Because, again, I think that  
12 does go to rebut her previous testimony.

13 THE COURT: I recall previous testimony  
14 covering no complaints were made against her. If  
15 I'm wrong on that, someone can point me to the page  
16 and line.

17 MR. PRYOR: We didn't raise this issue.

18 MR. GILLIAM: The only thing we have is  
19 another complaint against her. There are no other  
20 complaints that she's made.

21 THE COURT: Sure. So that wasn't my  
22 recollection of the testimony. My recollection was:  
23 Were there any complaints made against you?

24 Things that came up in the prior  
25 testimony.

1 MR. GREENFIELD: Your Honor, I guess I  
2 don't understand then where the differentiation  
3 occurs as to why they can talk about all the  
4 different claims and issues that Brian Talburt,  
5 again, just a rank-and-file member of the Union, and  
6 what his actions were, those have been discussed at  
7 length, versus what Ms. Carter's actions were.

8 THE COURT: That's correct. It's a  
9 different relevance and a different prejudice  
10 analysis.

11 Okay. So I will say this is a new limine  
12 point, whatever limine we are under, to discuss,  
13 about her prior complaints against other Southwest  
14 employees.

15 I understand y'all don't like that, and so  
16 I'll understand y'all as objecting to that. I'm  
17 overruling those objections.

18 MR. McKEEBY: And I think, as a procedural  
19 matter, I move for the admission of 61. And you are  
20 overruling that, so I don't think I need to do  
21 anything else, so I'm not going to do anything else.

22 THE COURT: Understood.

23 And I can say on the record when the jury  
24 is back in, I sustained objections on 61.

25 Okay. Let's bring them in.

1 (The jurors entered the courtroom.)

2 THE COURT: Okay. You can be seated.

3 I sustained that objection on Exhibit 61,  
4 so you can ask a new question, Mr. McKeeby.

5 MR. McKEEBY: Can you pull 47 back up?

6 BY MR. McKEEBY:

7 Q. I know I asked you this question, but I don't  
8 think I got a response. If I did, I apologize. But  
9 I would ask again, was sending this message and this  
10 photograph to Ms. Stone an expression of your  
11 Christian beliefs?

12 A. An expression of my Christian belief against  
13 the march, yes, and against who she was marching  
14 with. This is what they marched with. So yes.

15 Q. So sending this photo to Ms. Stone was  
16 consistent with your Christian beliefs? Your  
17 position?

18 A. Consistent with my Christian beliefs on this  
19 march, yes.

20 Q. Let me go back to your accommodation claim here  
21 briefly.

22 What is the accommodation that you are  
23 requesting or would have requested that Southwest  
24 make for you?

25 A. I didn't know I had to make a request. This

1 has become a back and forth between this request.

2 I am a Christian. I stated it in my  
3 fact-finding meeting, I think several times. And  
4 then I stated, I think, in my second step meeting.

5 Q. I understand. The jury wasn't at those, at  
6 those meetings, so I'm asking you -- I know I'm  
7 asking you to rehash issues that you've done on  
8 several occasions, and I can see how that could be  
9 tedious.

10 But the jury hasn't heard all of that, and I  
11 think they need to hear what your request is of  
12 Southwest in terms of what it should have done to  
13 accommodate you and your religious beliefs.

14 MR. PRYOR: Object, calls for a legal  
15 conclusion as well.

16 THE COURT: I'll allow it.

17 THE WITNESS: I stated I was a Christian.  
18 I was objecting to a march that my union had, and I  
19 believe under Title VII, it affords me to speak to  
20 that, and they did not give that to me. I didn't  
21 know I had to ask it.

22 BY MR. McKEEBY:

23 Q. Right. And you didn't ask it because you  
24 didn't know is your testimony, correct?

25 A. That is correct.

1 Q. And there is -- you've, I think, since  
2 discovered that there is a whole Southwest  
3 department that deals with accommodation issues  
4 called the ACT department?

5 A. That's what I've heard through all of this and  
6 what I've understood. But then in testimony,  
7 everybody was saying it should have gone to employee  
8 relations. So I don't know if even Southwest knows  
9 who it's supposed to actually go to.

10 MR. McKEEBY: Object as non-responsive.

11 THE COURT: Sustained.

12 MR. McKEEBY: And move to strike.

13 THE COURT: Granted.

14 So, jury, please disregard the last  
15 sentence that was said.

16 BY MR. McKEEBY:

17 Q. Isn't it a fact, Ms. Carter, that what you are  
18 asking in this case is that Southwest's policies not  
19 be applied to you?

20 A. That is not what I said and that's not what I  
21 am -- policies that we had at Southwest Airlines and  
22 the line between the union and what I was talking to  
23 my union president about, Southwest Airlines should  
24 have stayed out of union business, and be dealt with  
25 within the union.



1 Q. And Southwest Airlines should have not applied  
2 its policies to punish you for sending a fetus video  
3 to Ms. Stone, even if it did violate Southwest  
4 policies?

5 MR. PRYOR: Object, compound.

6 THE COURT: I'll allow it.

7 THE WITNESS: It was union business. I'm  
8 going to just say it again.

9 Southwest Airlines really had no business  
10 stepping in union activity. They would -- if I  
11 would have done this at a union meeting, exactly the  
12 same, Southwest Airlines has no right to punish or,  
13 you know, any policies.

14 BY MR. McKEEBY:

15 Q. To discipline you?

16 A. Correct.

17 Q. Your position is that Southwest did not have  
18 the right to discipline you for sending those  
19 abortion videos to a co-employee, Ms. Stone?

20 A. To my union president, no, they did not have  
21 the right to do that.

22 Q. So you acknowledge at least that sending the  
23 videos violated the policies, they just shouldn't  
24 have applied them to you. That's your position,  
25 correct?

1 MR. PRYOR: Object, mischaracterizes her  
2 testimony.

3 MR. McKEEBY: It's a question.

4 THE COURT: I will allow the question.

5 THE WITNESS: Ask it again. I'm sorry.

6 MR. McKEEBY: Can you read it back?

7 (Thereupon, the requested portion was read  
8 back by the reporter as above recorded.)

9 MR. PRYOR: Same objection.

10 THE COURT: Overruled. You can answer.

11 THE WITNESS: The policies are workplace  
12 policies. This was not done at the workplace and  
13 this also had to do with the union activities.

14 So, no, Southwest Airlines, I always --  
15 when I was at work, always adhered to the policies  
16 at work. These --

17 BY MR. McKEEBY:

18 Q. The -- I'm sorry. I'm sorry. I thought you  
19 were finished. Please finish.

20 A. Well, these policies, first of all, was not  
21 done at work. Second of all, it was union business.

22 So, no, those policies should have not been --  
23 I guess I didn't break those policies at that time.

24 Q. Did you break any policies?

25 A. Not with my union president.

1 Q. And so what should Southwest have done to  
2 accommodate you? I don't understand.

3 A. First of all, they should have never called me  
4 in. It should have been dealt with in the union.

5 Q. Let's talk about what you said about your  
6 workplace, okay?

7 You were a flight attendant, correct?

8 A. Correct.

9 Q. So what was your workplace, the actual plane?  
10 Is that what you are saying?

11 A. When I check in for my trip, okay, 30 minutes  
12 prior to going to the gate, that is when I'm at  
13 work. And until I clock out and leave that airport,  
14 when I leave, once we -- the trip is done, and I  
15 think it's 30 minutes after we leave the plane and  
16 everything else -- I can't remember now, it's been  
17 so long, it's been five years -- then I'm off the  
18 clock.

19 Q. So by that it would have been a violation of  
20 the workplace bullying and hazing policy for you to  
21 send that video while you were on the plane, fair?

22 A. Still, again, no. That was to my union  
23 president. No. I would have never sent those  
24 things at work. I would never -- I mean, I didn't  
25 have that kind of --

1 Q. So it's not that you --

2 A. I don't understand -- I guess I don't  
3 understand where you are going with this question.

4 Q. Well, I'm trying to get an understanding of  
5 what you mean by "workplace." And it sounds like  
6 it's not so much that -- that you sent it off the  
7 clock or off hours, but that you sent the messages  
8 to the union president is your issue, fair?

9 MR. PRYOR: Object, mischaracterizes what  
10 she just said.

11 THE COURT: I will allow her to answer.

12 THE WITNESS: Again, if I had not been an  
13 objector, I could have taken this to a union  
14 meeting. Southwest could have never done anything  
15 to me, said anything to me. That's that line.

16 It's the same type of communication with  
17 my union president. It just happened to be through  
18 like an email or messenger. It was the same type of  
19 communication that should have been kept within the  
20 union compound.

21 BY MR. McKEEBY:

22 Q. And the reason it wasn't kept within the union  
23 compound is because Ms. Stone reached out to  
24 Southwest, fair?

25 A. Ms. Stone turned me in to Southwest. She

1 should have kept this in the union realm.

2 Q. And what is Southwest supposed to do?

3 A. Stay out of it.

4 MR. PRYOR: Object, asked and answered.

5 THE COURT: Overruled.

6 BY MR. McKEEBY:

7 Q. I will give you a hypothetical. Your counsel  
8 raised some hypothetical questions during his  
9 examination of I think Ms. Stone. I'm going to give  
10 one to you.

11 Is it your position that you had the right to  
12 send the abortion videos to every dues-paying union  
13 member, flight attendant at Southwest?

14 MR. PRYOR: Object, calls for a legal  
15 conclusion.

16 THE COURT: I'll allow it.

17 THE WITNESS: The only person that I would  
18 have ever sent that to would have been my union  
19 president. I would have not sent that to any other  
20 member, which I didn't do. And even the women  
21 that -- the other ones that went, I didn't send it  
22 to them. She led the march, she is the one who was  
23 responsible for taking them all to DC.

24 BY MR. McKEEBY:

25 Q. I understand all of that.

1           My question is a hypothetical. I know you  
2 didn't do it. I'm not suggesting to the jury that  
3 you sent it to anyone else other than Ms. Stone.  
4 And you have testified to that.

5           My question is, if someone did that, let's say  
6 it was someone else, some other union member, an  
7 objector if you want, if that makes you more  
8 comfortable, if they had sent that video to every  
9 union-paying Southwest flight attendant, would that  
10 have violated Southwest's policies?

11           MR. PRYOR: Object. It's a hypothetical  
12 that's not the facts of this --

13           THE COURT: You can come to sidebar if you  
14 want.

15           MR. PRYOR: It's an improper hypothetical,  
16 given what she just said.

17           THE COURT: That's a speaking objection.  
18 You can come to sidebar if you want to speak.

19           MR. PRYOR: Object to improper  
20 hypothetical.

21           THE COURT: Understood.

22           I will sustain that one.

23           MR. McKEEBY: Let me go to Exhibit 2.

24 BY MR. McKEEBY:

25 Q. Do you recognize this document?

1 A. Yes, I do.

2 MR. McKEEBY: Move to admit Exhibit 2.

3 THE COURT: Any objections on 2?

4 MR. PRYOR: We object to the admission of  
5 this document for relevance. And the -- if he wants  
6 to ask her if it refreshes her recollection if she  
7 says something inconsistent. But this is a legal  
8 document.

9 THE COURT: Anything from the Union?

10 You can come to sidebar if you want.

11 MR. PRYOR: No, I'm fine. Can't afford  
12 it.

13 THE COURT: Anything from the Union on 2?

14 MR. McKEEBY: I'm going to need a sidebar  
15 if -- well, I might know if I'm going to need a  
16 sidebar here briefly.

17 THE COURT: Call a sidebar.

18 (Thereupon, the following proceedings were  
19 had at sidebar:)

20 MR. McKEEBY: This is an EEOC charge,  
21 which is an administrative prerequisite -- I'm  
22 sorry.

23 THE COURT: Go for it.

24 MR. McKEEBY: This is an EEOC charge,  
25 which is an administrative prerequisite to her

1 filing a suit. And so we have an issue of a  
2 question of whether or not she properly exhausted  
3 her administrative remedies as an affirmative  
4 defense, given that she did not raise the  
5 accommodation claim.

6 And secondly, it has language that --  
7 that's relevant to her claim. She talks about what  
8 the basis of her claim is in that sworn document.  
9 So I should be able to get into that.

10 MR. PRYOR: That's two completely  
11 different issues.

12 The first one the Court has already ruled  
13 on, and the exhaustion of administrative remedies,  
14 that's not an issue for this jury. It's not an  
15 issue that anyone has even submitted a question on.

16 The issue of whether or not there is  
17 something in there factually that's inconsistent  
18 with anything she said, if she says something  
19 inconsistent, he can show it to her and talk to her  
20 when he's laid that foundation.

21 But right now it's inadmissible.

22 THE COURT: So I get your point on my  
23 prior rulings on exhaustion. My question is did  
24 y'all make an objection? I didn't see an objection  
25 last night to 2.



1 MR. PRYOR: I didn't object, Judge, sorry,  
2 but regards I'm raising it now.

3 I know that we have made this argument  
4 before. Actually, I will refer to Mr. Gilliam in  
5 that regard. We are raising it now if it hadn't  
6 been raised before. I apologize if it wasn't. It  
7 is still an appropriate objection.

8 THE COURT: So I've got the intention  
9 here. But what I will say is this, I think failure  
10 to exhaust is a legal question I've already ruled  
11 on.

12 So to the extent you try to get into that,  
13 it may cause me to have to clean it up with a jury  
14 instruction on that for y'all. But you didn't  
15 object last night to 2, so I'm going to let 2 in.

16 Does that make sense?

17 MR. PRYOR: Can I -- I don't know -- first  
18 of all, let me just point out, I didn't ask for this  
19 conference. And second, can I look and see what we  
20 objected to last night?

21 I'm sure you're right, Judge, I just  
22 didn't look at it.

23 THE COURT: You can look and see if you  
24 objected.

25 MR. PRYOR: Give me two seconds and I'll

1 just wave at you and say you're right as usual.

2 THE COURT: We are keeping the sidebar on.

3 The music is still on. We are taking  
4 down one thing at counsel table. We will be right  
5 back with you in a moment.

6 (Thereupon, the sidebar was concluded and  
7 the following proceedings were held in open  
8 court:)

9 THE COURT: So I will overrule the  
10 objections to Exhibit 2. They can come in on the  
11 terms that we discussed.

12 (The referred-to document was admitted  
13 into evidence as Trial Exhibit 2.)

14 THE COURT: Mr. McKeeby.

15 MR. McKEEBY: So is it admitted?

16 THE COURT: It is admitted into evidence.  
17 We are publishing.

18 MR. PRYOR: We have a continuing  
19 objection.

20 THE COURT: You may.

21 MR. PRYOR: Thank you.

22 BY MR. McKEEBY:

23 Q. One question -- well, I shouldn't say that.

24 A few questions about the document.

25 MR. McKEEBY: Number 3, if you could pull

1 that point up.

2 BY MR. McKEEBY:

3 Q. This is quite a statement, Ms. Carter. You  
4 indicate that your employer -- and I will let the  
5 Union ask you this question if they want to, but I'm  
6 interested in the contention about Southwest  
7 Airlines. You contend that the company supports  
8 abortion in this statement, correct?

9 A. The company allowed their name to be on a  
10 banner at that march, and that's what I'm referring  
11 to.

12 Q. How do you know that?

13 A. Because I have pictures of it. And it was --

14 Q. How do you know the company had anything to do  
15 with it? These flight attendants marched in  
16 Washington. Do you know if they asked for the  
17 company's permission to do that?

18 A. No, I don't, but I would have figured that  
19 Southwest Airlines would have been pretty upset if  
20 that's the case. Did they reprimand those flight  
21 attendants?

22 Q. That's not my question. Do you have any  
23 information to suggest that anyone at Southwest  
24 Airlines authorized those flight attendants to carry  
25 those banners?

1 A. They carried it.

2 Q. That's not my question, Ms. Carter. My  
3 question is --

4 A. I have no idea. I have no idea. If they  
5 asked, I have no idea.

6 Q. All right. You've answered my question --

7 A. Okay.

8 Q. -- and I will respectfully move on --

9 A. Okay.

10 Q. -- to some boring topics for just a minute.

11 MR. McKEEBY: Let's go to Exhibit 42.

12 THE COURT: This is in evidence, so the  
13 jury can see it.

14 MR. McKEEBY: I don't think -- is 42 in?

15 THE COURT: 42 is in. It came in earlier  
16 today.

17 MR. McKEEBY: Okay.

18 BY MR. McKEEBY:

19 Q. I just want to walk you through this briefly.  
20 These reflect your earnings at Southwest?

21 A. Uh-huh.

22 Q. And would you agree with me that they reflect  
23 an average of about \$15,000 a year?

24 A. Give or take, right, yes.

25 Q. Okay. Give or take. So if it's for 2014 --

1 well, go ahead. Let's read the exact amount.

2 Do you know how to read these to know what your  
3 actual earnings at Southwest were for 2014?

4 A. Well, I can't read it because I don't have my  
5 glasses.

6 Q. Okay. If it says \$16,581, does that sound  
7 about right, in the ballpark?

8 A. Yes. And this is what I was discussing with  
9 you about not being able to fly.

10 Q. Right. I just didn't think we got it into  
11 evidence as cleanly as I might like it.

12 I understand you don't have to and shouldn't  
13 care about my preferences.

14 But let me walk through, the next page is for  
15 2015. And I read this to reflect a take-home pay of  
16 \$17,700, is that fair?

17 A. That is correct.

18 Q. And then finally, 2016, which -- first of all,  
19 that was your last full year of employment?

20 A. '16?

21 Q. 2016. You were terminated in the --

22 A. Yeah.

23 Q. -- spring of 2017?

24 A. March '17.

25 Q. So 2016 was the last year of your employment,

1 correct?

2 A. Yes.

3 Q. And your take-home pay that year was \$18,598?

4 A. Correct.

5 Q. And this goes back to the issue that you raised  
6 with Mr. Pryor that you weren't working -- you can  
7 take those off -- you weren't working full-time.

8 A. No, at that time I couldn't. My husband was --  
9 he was having to work more so on -- because I just  
10 couldn't trust him with my daughter being at home at  
11 that age.

12 Q. And let me talk a little bit about your efforts  
13 to seek other employment.

14 When you were -- I think you -- I don't  
15 remember -- I'm getting them mixed up, too, in terms  
16 of what you said today versus these other  
17 proceedings, so my apologies if I blur some of this.

18 But there was something called Project Purpose  
19 that you were affiliated with in 2017?

20 A. That's correct. And that's when I was in  
21 St. Louis. I homeschooled my daughter for the  
22 last -- well, it's now been nine years. She's  
23 graduated.

24 But I had a program that I was actually  
25 implementing, and it had to do with the school

1 systems in St. Louis and partly Aurora, Colorado, in  
2 some of the poorer school districts. And it was an  
3 after-school -- it started out as an after-school  
4 program, and we were partnering with some churches  
5 also in St. Louis.

6 Q. And you actually started working for Project  
7 Purpose in January of 2017, before you left  
8 Southwest, correct?

9 A. We started the project, but I wasn't working  
10 for them. I was writing -- I was actually getting  
11 the curriculum together for that.

12 Q. Right. And this was -- and then you actually  
13 started working for them after your separation from  
14 Southwest Airlines, fair?

15 A. Yeah. It became more of a -- yeah, it became  
16 more of a -- yeah. A job. Yes.

17 Q. Right. But it was a not-for-profit in --  
18 well --

19 A. Correct. It was a not-for-profit. We hadn't  
20 gotten our 501(c)(3) yet, so we were just actually  
21 scouting for who we were going to partner up with in  
22 St. Louis and partly Aurora, Colorado, in some  
23 schools and churches.

24 Q. Right. And you did not receive a salary from  
25 Project Purpose for 2017?

1 A. No, I did not. As a matter of fact, I spent  
2 money for that project.

3 Q. And because you were involved in this Project  
4 Purpose, you did not -- you'd agree with me that you  
5 did not seek paying employment at all in 2017,  
6 correct?

7 A. I had put out resumés, but resumés were just to  
8 the airlines, and then later on I got called by the  
9 airlines.

10 Q. But that didn't happen in 2017, did it?

11 A. No. No. Unfortunately.

12 Q. That was later?

13 A. Yes, it was later. I think it was in '18 when  
14 I started getting calls.

15 Q. And you indicated that you submitted  
16 applications at four airlines?

17 A. Uh-huh. At my husband's airline. He's a  
18 captain for Frontier. And then it was Jet Blue.  
19 Never heard from Jet Blue. And then Delta and  
20 United.

21 Q. And I think you've indicated -- and I know this  
22 was in your deposition -- that you have done some  
23 Pilates instruction?

24 A. Yes. That was later on. Yes.

25 Q. How much, approximately, did you earn and over



1 what period of time?

2 A. Well, I finished class and COVID hit and they  
3 closed all of the Pilates studios.

4 Q. Are you still doing that?

5 A. I'm doing it, but it's only part-time, and it's  
6 mainly in my house. I have a Pilates studio in my  
7 home.

8 Q. How much have you earned from that?

9 Let's start with maybe 2021, how much did you  
10 earn, approximately?

11 A. Well, '21 was pretty much a no-go because of  
12 COVID. I would say maybe 5, \$6,000. Maybe.

13 Q. In 2022?

14 A. No, not in '22. Well, '21 into '22. So give  
15 or take, it would be about, maybe, 5,000, maybe.  
16 That is a stretch.

17 Q. I just want to make sure I understand. That's  
18 in 2021 or is that for both years?

19 A. Well, it would be both years right now.

20 Q. Am I right that since your separation from  
21 Southwest, other than the four airline applications  
22 that you've submitted, you have not applied for any  
23 other paying employment?

24 A. No, I didn't. No, I didn't. There was another  
25 project, though. I don't know if you saw that. But

1 it was called Divine Intervention, after Project  
2 Purpose.

3 Q. I did see that. That's another not-for-profit  
4 that you were associated with?

5 A. Yes. And we did -- we ended up -- it's  
6 basically the same thing except that we -- there  
7 were two partners. We branched off from what  
8 Project Purpose was, and we were working with  
9 actually several places in St. Louis. We weren't  
10 really working again working in Aurora.

11 We did get our 501(c)(3), but there were some  
12 issues with -- how should I put this? -- there were  
13 some issues between what the two visions were and  
14 they didn't coincide, and so I stepped away from  
15 that.

16 And I spent money in that as well.

17 Q. You did not receive any income for --

18 A. No.

19 Q. -- work at Divine Intervention?

20 A. No, I did not.

21 Q. I'm flipping through these pages. That's good  
22 news for you.

23 Ms. Carter, do you regret your decision not to  
24 accept Southwest's offer of reinstatement?

25 A. No, I don't, for the same reasons that I have

1 explained.

2 Q. If Southwest wanted to get rid of you because  
3 you were a union objector, does it make sense that  
4 they would offer your job back?

5 A. I'm not sure, except the fact that I had  
6 presented them with so much evidence.

7 Honestly, Mike Sims knows and we had talked  
8 about this off the record. He said that Southwest  
9 shouldn't have gotten involved in union business.

10 Q. And --

11 A. He used to be in the union. He was one of --  
12 he actually worked in the union at one point.

13 Q. I understand that.

14 But my question for you is, why would Southwest  
15 have offered you a job back if it was trying to  
16 target you and get rid of you because you were an  
17 objector?

18 MR. PRYOR: Object, just asked and  
19 answered.

20 MR. McKEEBY: I didn't get an answer.

21 THE COURT: I will allow this question to  
22 be answered.

23 THE WITNESS: Honestly, I think they knew  
24 that they had messed up and that they were going to  
25 make sure that I stayed quiet about it.

1 BY MR. McKEEBY:

2 Q. And the same question about your religious  
3 beliefs. If Southwest had some objection to your  
4 religious beliefs, why would they have offered you a  
5 job back?

6 A. Again, I think they knew they had messed up and  
7 they wanted -- they didn't want me to talk about it  
8 at all.

9 Q. So instead --

10 A. And you can tell, they were taking away my  
11 right to come back and sue them for this.

12 Before I signed this, I read over it and over  
13 it and over it. There was a point that I did think  
14 that I was going to take it. But, again, I talked  
15 to Beth Ross, and Beth Ross said, This is an  
16 egregious settlement and, you know, other people are  
17 getting turned in, Charlene.

18 So I -- I -- my personal feeling was I'm going  
19 to get targeted again and I'm going to lose my job,  
20 and then I won't have any recourse.

21 MR. McKEEBY: Pass the witness.

22 THE COURT: Thank you, Mr. McKeeby.

23 Okay. Mr. Greenfield, you may question  
24 the witness.

25

1 CROSS-EXAMINATION

2 BY MR. GREENFIELD:

3 Q. Good afternoon, Ms. Carter.

4 A. Good afternoon.

5 Q. Do you recognize who I am?

6 A. Yes, I do.

7 Q. Who am I?

8 A. You are Adam Greenfield.

9 Q. Okay. And what is my job?

10 A. You are representing the Union.

11 Q. Yes, ma'am. Yes, ma'am, I do so proudly.

12 Your case has been going on for a handful of  
13 years at this point, is that fair?

14 A. Yes, it has, five, a little over five.

15 Q. So we've had the opportunity to meet each  
16 other?

17 A. Yeah. The first time I met you was coming in  
18 to court. We were talking about your cute socks.

19 Q. I remember the exact day. And you and I  
20 believe Ms. Dawn Juan were putting on your shoes.

21 A. Yes. They were Christmas socks.

22 Q. Yes, ma'am.

23 And how would you describe our interactions,  
24 you and I?

25 A. You're an attorney and I'm the plaintiff.

1 Q. Fair to say we are cordial?

2 A. Yes.

3 Q. And you were even kind enough earlier this week  
4 to ask me about my family, when you knew we had had  
5 some troubles earlier this week, is that right?

6 A. Of course.

7 Q. Pretty surface-level conversations, though, is  
8 that fair?

9 A. Yes.

10 Q. Okay.

11 Now, over the next couple of days, this  
12 afternoon and tomorrow, you and I are going to talk  
13 about some pretty heavy things, okay?

14 A. Uh-huh.

15 Q. Personal things. Things that many of us are  
16 very passionate about, okay?

17 A. Uh-huh.

18 Q. I will make a promise to you, right here, that  
19 I will remain respectful and cordial during that  
20 time because we are going to be talking about  
21 personal stuff, okay?

22 A. Okay.

23 Q. Can we try and do the same thing?

24 A. Uh-huh.

25 Q. Can I have that agreement?

1 A. Of course.

2 Q. Okay. Thank you very much.

3 While I was sitting at counsel table, I heard  
4 several times you describe Local 556 as "my union"  
5 and the president as "my president" and doing things  
6 like working through "my union."

7 But you weren't a union member, correct?

8 A. I was an objector.

9 Q. Okay.

10 A. Still paid union dues.

11 Q. Yes, ma'am.

12 And you were an objector as of 2013?

13 A. That is correct.

14 Q. Okay.

15 And as an objector, you gave up your rights to  
16 go to membership meetings, correct?

17 A. Correct.

18 Q. And you also gave up your right to vote for the  
19 executive boards and the political offices that were  
20 changing, is that correct?

21 A. That's correct. But our vote had been taken  
22 away so many times.

23 Q. Yes, ma'am. And my question was just a little  
24 bit different. But nonetheless, you gave up that  
25 right to vote?

1 A. That is correct.

2 Q. Okay. I would like to, before we get to  
3 anything big, talk a little bit about some of the  
4 stuff that Mr. McKeeby just left off talking about,  
5 talking about some of the efforts you made after  
6 your termination to get back to work, et cetera.

7 Okay?

8 A. Uh-huh.

9 Q. Well, even let's jump -- I take that back.  
10 Let's jump to before you were terminated.

11 A. Okay.

12 Q. You were homeschooling your daughter, is that  
13 correct?

14 A. Yes.

15 Q. Okay. And what did that schedule look like?

16 A. We were usually doing it about four hours a  
17 day. Homeschooling is a lot different than sending  
18 your child to a regular school. We had a little  
19 community that we did it with, and then my husband  
20 also helped out with homeschooling.

21 Q. And what was your responsibility in that  
22 homeschooling process?

23 A. Well, with her it was pretty easy. I mean, we  
24 had everything laid out the night before. The  
25 curriculum that I used was very, very already set.



1 So she knew which booklets that she would need for  
2 the day and which videos that she would need for the  
3 day and so forth.

4 And then once a week we met as a community.

5 Q. Yes, ma'am. I'm a product of a small  
6 Montessori school, growing up here, so I understand  
7 what you speak of.

8 How many days a week were you in charge of her  
9 homeschooling?

10 A. Well, I mean, I was home. But not -- not  
11 really in charge per se, because we had laid  
12 everything out for the week on Sunday.

13 So there was a Monday folder, or a Monday --  
14 what I would consider not a folder, but like a --  
15 something that she had all of her stuff already in.

16 Tuesday, Wednesday -- we only did four days of  
17 class and then we had our fifth day at our  
18 community.

19 Q. So four days of class and then a fifth day with  
20 the rest of the group?

21 A. Correct. She had -- I mean, those were her  
22 responsibilities. So I set everything out pretty  
23 much on Sunday.

24 Q. Uh-huh.

25 A. And then if she had questions, she would either

1 ask her daddy or she would call me.

2 Q. Yes.

3 A. When I was flying, she would -- when I did fly,  
4 she did do those things. Because Daddy usually  
5 didn't know.

6 Q. Yes, ma'am.

7 And I will stop beating around the bush at this  
8 point. I just want to know if that impacted the  
9 amount of time you spent flying before you were  
10 terminated?

11 A. No, it didn't. It didn't.

12 Let me explain something. My husband is a  
13 pilot, and so how we had structured it at the very  
14 beginning is that because of my seniority in Denver,  
15 I would fly either two days -- because I could bid  
16 for those things or trade down to that or trip trade  
17 with people -- I could fly a two-day or turns. And  
18 turns would have been perfect for me, except that I  
19 would have to fly evening turns, for the most part,  
20 and that is when everything kind of fell apart for  
21 my husband.

22 Let me just give you a little heads-up on that.

23 Q. If you can be brief, because I didn't exactly  
24 ask. I want to give you an opportunity --

25 A. He had just gotten out of an 18-month program.

1 He's finally taken the steps to get well. So I was  
2 dealing with all of that.

3 Q. I understand. I commend his efforts.

4 A. I do too.

5 Q. Alcohol addiction is a lifelong journey. I  
6 understand that as well.

7 I'm just trying to be fair to you, so I just  
8 wanted to know what was impacting -- because I have  
9 heard testimony or I have heard discussions that you  
10 weren't flying that much, that you were --

11 A. Correct. But that -- homeschooling had nothing  
12 to do with --

13 Q. Thank you. I will move on from it then.

14 A. Okay.

15 Q. Now, we heard about Project Purpose.

16 A. Uh-huh.

17 Q. And your position there was the educational  
18 director, correct?

19 A. Correct.

20 Q. Okay. And you were also the educational  
21 director at Divine Intervention, is that correct?

22 A. Correct.

23 Q. And as the educational director, you were there  
24 to -- well, at Divine Intervention, you were  
25 actually trying to implement an actual academy

1 school, correct?

2 A. Correct.

3 Q. And you were putting together all of the  
4 curriculum?

5 A. The curriculum actually from what I had  
6 already.

7 Q. Uh-huh.

8 A. We were implementing pretty much what I had  
9 used.

10 Q. Okay.

11 A. Because it was going to be more of a  
12 homeschool-type environment at this academy.

13 And just let me tell you where this academy  
14 was. It was in the north side of St. Louis, near  
15 Ferguson.

16 Q. Ms. Carter, I do appreciate all of that. As  
17 you have heard from all of the attorneys, we are  
18 under a bit of a time frame.

19 A. Okay. Yes. I did put it all together, though,  
20 yes.

21 Q. Thank you. Thank you.

22 And you got together all of the structure so  
23 you could train the teachers, correct?

24 A. Uh-huh, yeah. It was everything was together.

25 Q. Now, Ms. Carter, on your first day of

1 testimony, we heard a little bit about your  
2 background and your education.

3 Do you have a teaching certificate yourself?

4 A. No. You don't have to have a teaching  
5 certificate, though, to homeschool.

6 Q. I didn't say you did. I'm just asking if you  
7 had one.

8 A. No, I do not have a teaching certificate.

9 Q. Do you have a bachelor's in education?

10 A. No, I do not.

11 Q. Are you a registered substitute teacher?

12 A. I used to substitute years ago. Yes, I did.

13 Q. Very good. Many years ago you substitute  
14 taught?

15 A. Yeah, I did a lot when my little boy -- my son  
16 was a little boy.

17 Q. I did it for half a year, and I found out that  
18 middle-schoolers are terrorists.

19 I recommend it to nobody.

20 A. I had little ones.

21 Q. Okay. All right.

22 Ms. Carter, I would like to walk through the  
23 claims you are bringing against the Union. I want  
24 you, me, and the jury to all be on the same page so  
25 we can actually talk about what this case is about.

1 Is that all right?

2 A. Yes.

3 Q. Okay. You have a claim against the Union for a  
4 breach of fiduciary duty. Is that correct?

5 A. Correct.

6 Q. And how did the Union do that? How did we  
7 breach our duty to you?

8 A. By turning me in to the company.

9 Q. Okay. So the moment Audrey Stone turned you  
10 in, the Union breached our duty, is that right?

11 A. Yes.

12 Q. Okay. But we didn't breach it at the  
13 fact-finding meeting, correct?

14 MR. PRYOR: Object to the extent it calls  
15 for -- it does call for a legal conclusion as to  
16 whether or not it was breached by the turning in is  
17 a fact of the fact-finding.

18 THE COURT: I will allow her to answer if  
19 she has a basis to do so.

20 BY MR. GREENFIELD:

21 Q. Do you believe we breached the duty in our  
22 representation of you at the fact-finding meeting?

23 A. Not Chris Sullivan, but the Union, yes.

24 Because I should have never had to go into that  
25 fact-finding meeting.

1 Q. Yes, ma'am. I understand that you believe none  
2 of the following should have ever happened. I just  
3 want to -- I just want to talk to you about what the  
4 Union's role was at that point. Is that all right?  
5 Can we talk about that?

6 A. Yes. But the Union breached all of it. I'm  
7 going to say it.

8 Q. The Union breached all of it?

9 A. Yes.

10 Q. So you believe we did not properly represent  
11 you at your fact-finding meeting, is that your  
12 testimony?

13 MR. PRYOR: Object, asked and answered.

14 THE COURT: I'll allow it.

15 THE WITNESS: Chris Sullivan represented  
16 me in that fact-finding meeting. Yes, he did.

17 BY MR. GREENFIELD:

18 Q. Okay. And you chose Mr. Sullivan to represent  
19 you?

20 A. I did.

21 Q. And the Union said, Yes, Mr. Sullivan can  
22 represent you at your fact-finding meeting, correct?

23 A. I don't know if he asked the Union. I  
24 didn't -- I asked him to represent me. From there I  
25 don't know what he did.

1 Q. Nevertheless, he represented you?

2 A. That is correct.

3 Q. And you thought he did an excellent job?

4 A. Chris did a great job.

5 Q. Okay.

6 And then at the Step 2 hearing, the Union  
7 provided you representation there as well, correct?

8 MR. PRYOR: Object. Continuing objection  
9 on the Step 2.

10 THE COURT: Understood. I will give you a  
11 continuing objection.

12 I will overrule it and you can answer the  
13 question.

14 THE WITNESS: Okay.

15 I had Becky Parker and Beth Ross at my  
16 side. I prepared everything for the second step,  
17 neither one of them did the leg work. They were  
18 there sitting, one taking notes and the other one at  
19 the very end pleading for my job.

20 BY MR. GREENFIELD:

21 Q. Okay. And did you select either Beth Ross or  
22 Becky Parker to represent you at the Step 2 meeting?

23 A. No, I didn't. It was -- I think that once I  
24 got into the process, it was just somebody reached  
25 out, or I -- I don't know how all of that started,



1 to be quite honest with you.

2 I had never used the Union before, so you are  
3 going to have to forgive me on some of the memory as  
4 well.

5 Q. I understand. Yes, ma'am.

6 And you felt they represented you fairly and  
7 competently, is that correct?

8 A. Beth did a really good job. She couldn't  
9 figure out why I was there, though, because it was  
10 the union president that turned me in.

11 Q. Okay. I appreciate that. My question was a  
12 little bit different. My question was --

13 A. I know. And I said yes, she represented me.

14 Q. Thank you, ma'am.

15 And at the end of that Step 2 hearing, your  
16 termination was reduced to a 30-day suspension?

17 A. That is correct.

18 Q. Time served?

19 A. Correct.

20 Q. But with the 24-month probation letter,  
21 correct?

22 A. There was a lot more than just the 24-month  
23 probation letter.

24 Q. But you took issue with that?

25 A. That is one of the issues, yes.

1 Q. But we heard today that even if that was  
2 reduced to 18 months, you still would not have  
3 accepted, correct?

4 A. No, I would not have.

5 Q. Okay. So just so we're clear, are you claiming  
6 now that there was a breach of your -- of our duty  
7 to you at the fact-finding meeting?

8 A. A breach?

9 MR. PRYOR: Object, your Honor. He asked  
10 that question already, and she's answered it. To  
11 now look for a different answer --

12 THE COURT: I think the answer is clear  
13 enough now.

14 MR. McKEEBY: I'm not clear because I  
15 think I heard two different answers. That's why I'm  
16 asking again.

17 THE COURT: Last time.  
18 You can answer.

19 MR. PRYOR: I'd also object it calls for a  
20 legal conclusion, asked and answered. She's told  
21 him the breach.

22 THE COURT: I will overrule and you can  
23 answer this last time.

24 THE WITNESS: Chris did a very good job  
25 representing me, Chris Sullivan.

1 Again, he believed that I shouldn't have  
2 been there because he knew who turned me in.

3 BY MS. GREEN:

4 Q. Yes, ma'am, I understand what your recollection  
5 of that conversation with Mr. Sullivan is.

6 My question is a little bit different. My  
7 question is, do you believe the Union breached our  
8 duty to you in our representation at the  
9 fact-finding meeting?

10 MR. PRYOR: Your Honor, this has been  
11 asked and answered. She's going to -- how many  
12 times does she have to explain?

13 THE COURT: Hold on, Counsel. That's a  
14 speaking objection.

15 I will sustain it at this point in time.

16 BY MR. GREENFIELD:

17 Q. Okay. In regard to the Step 2 hearing, do you  
18 believe that the Union breached their duty in our  
19 representation of you at the Step 2 hearing?

20 MR. PRYOR: Asked and answered twice.  
21 He's recovering the same --

22 THE COURT: That was his last time.

23 THE WITNESS: I just told you that I did  
24 all of the preparation of everything that I  
25 submitted to Mike Sims. Beth was to my right. She

1 was actually taking notes. Becky Parker was to my  
2 left.

3 The only time Becky Parker said anything  
4 was at the very end of the meeting, I do believe,  
5 and that was to plead for my job.

6 I did most, 99 percent of the pleading in  
7 my second step meeting.

8 So breach shouldn't have been there in the  
9 first place.

10 Were they there sitting there to represent  
11 me? Yes.

12 MR. GREENFIELD: Okay. And I apologize to  
13 do this, but I will have to object to  
14 non-responsiveness and move to strike the testimony.  
15 I asked her a very simple question about the breach  
16 and she's talking about something else.

17 THE COURT: I will reject your request to  
18 strike as non-responsive.

19 BY MR. GREENFIELD:

20 Q. Yes or no, Ms. Carter, do you believe the Union  
21 breached their duty to you in our representation at  
22 the Step 2 hearing?

23 MR. PRYOR: Object, asked and answered.  
24 Object to instructing a witness to answer a question  
25 under oath, especially --

1 THE COURT: I'll allow it.

2 THE WITNESS: The whole representation, it  
3 was a breach of duty of fair representation.

4 BY MR. GREENFIELD:

5 Q. So that's a yes to my question, we did breach  
6 in our representation?

7 A. Yes, you did.

8 Q. And we breached, and Ms. Stone, you believe,  
9 breached that duty when she turned you in, right?

10 A. President Stone? Yes, I do.

11 Q. Yes, I understand her to be the president. We  
12 have multiple presidents, and she's no longer, so  
13 I'm going to call her Ms. Stone.

14 The current president is who, ma'am?

15 A. Used to be a friend of mine, Lyn Montgomery.

16 Q. Is she no longer the president of the Union?

17 A. No, she's still in it.

18 Q. She's just no longer a friend of yours?

19 A. Well, I don't see her. I mean, I'm not -- I  
20 don't get to talk to her anymore.

21 Q. Okay. Well, I apologize. I refer to her as  
22 President Montgomery because I represent the Union  
23 still, so that is why I refer to Audrey Stone or  
24 President Stone as Ms. Stone.

25 But I will reflect to the jury, I understand

1 that you believe her to be President Stone, okay?

2 A. Uh-huh.

3 Q. All right.

4 You believe you can say whatever you want to a  
5 union member, isn't that correct?

6 A. You just said union member.

7 Q. Yes, ma'am.

8 A. Union president or --

9 Q. I'm asking --

10 A. -- or a board?

11 Q. I apologize. I didn't mean to speak over you.

12 I asked you just about a union member.

13 You believe you can say whatever you want to a  
14 fellow union member, isn't that correct? Without  
15 reprisal?

16 A. When it's speaking about union business, yes.

17 Q. And there is no limit to that, correct?

18 A. There never has been even within our union  
19 meetings. It can get heated, things are -- you  
20 know, words are said. Have you ever been to a union  
21 meeting? Because they are pretty, pretty intense.

22 Q. Ma'am, it's my day to ask questions, and you've  
23 had a lot of time to dispute --

24 A. Well, they can be pretty intense.

25 Q. But I will --

1 A. And yes, we can say whatever we want in those  
2 union meetings.

3 So, yes, I do believe I can say what I need to  
4 say to my union when it has to do with union  
5 activities.

6 Q. But you weren't allowed to go to union  
7 meetings, were you? You gave up that right,  
8 correct?

9 A. That is correct. But I didn't give up my voice  
10 to speak to the president or the executive board.

11 Q. I understand, ma'am. That was not my question.

12 A. Okay.

13 Q. I just asked if you gave up your right to go to  
14 those meetings?

15 A. Yes.

16 Q. Okay. And you also believe there is no limits  
17 on what you can say to a union president, correct?

18 A. When it has to do with union business, that is  
19 correct.

20 Q. No restraints?

21 A. Never has been.

22 Q. Okay.

23 I would like to talk about your claims of  
24 retaliation under the Railway Labor Act.

25 A. Uh-huh.

1 Q. That's one most people don't hear every day.

2 What is your basis for your belief that we  
3 retaliated against you in violation of the Railway  
4 Labor Act?

5 MR. PRYOR: Object, calls for a legal  
6 conclusion, your Honor.

7 THE COURT: I will allow her to answer if  
8 she has a factual basis to do so.

9 THE WITNESS: The Railway Labor Act gives  
10 us the right to not have the company get involved in  
11 any union business. It also has for us, we have  
12 actually a Bill of Rights, and the first one is  
13 freedom of speech, and that has also got to do with  
14 the Railway Labor Act.

15 Everything that they do within the  
16 confines of the union is protected against the  
17 company.

18 So that's how I understand it, and that's  
19 how it had always been before, and there is a line  
20 between the company and the Union when it comes to  
21 union business.

22 BY MR. GREENFIELD:

23 Q. Okay. So --

24 A. That protects it, the Railway Labor Act  
25 protects that.



1 Q. Yes, ma'am. I understand that is your -- we  
2 have now laid out your belief of what the act  
3 covers, is that fair?

4 A. Yes. I know there is more to it, but yes.

5 Q. Sure. There is plenty to it, and I'm an  
6 attorney. I have to look at it myself to know  
7 exactly what is in there.

8 But to be fair, to simplify it for the jury,  
9 you believe the Union retaliated against you because  
10 you were an objector, correct?

11 A. Yes, because they were turning objectors in.

12 Q. Okay. And you believe the Union was  
13 retaliating against you because you were a recall  
14 supporter, is that correct?

15 A. Yes. And that's again -- they were going after  
16 us recallers, yes.

17 Q. I understand.

18 And again you say "we recallers."

19 You were not actually able to -- well, let me  
20 ask you, did you sign the recall petition, ma'am?

21 A. No, but I supported it and was very vocal about  
22 it.

23 Q. And you had given up your rights to recall?

24 A. I didn't sign it, but I still didn't give up my  
25 right to speak about it.

1 Q. Ma'am, I understand that. At no point will you  
2 hear me represent that you gave up your rights to  
3 dissent against the Union. You have my word, okay?

4 A. Uh-huh.

5 Q. My question is whether -- I'm trying to  
6 understand the basis.

7 So we have that you believe the Union  
8 retaliated against you because you are an objector,  
9 right?

10 A. Yes.

11 Q. And because you were a recall supporter?

12 A. Correct.

13 Q. Is there any other basis?

14 MR. PRYOR: Object, calls for a legal  
15 conclusion.

16 THE COURT: I'll allow it.

17 THE WITNESS: Is there any other basis?

18 BY MR. GREENFIELD:

19 Q. Yes, ma'am.

20 A. I know that the big contention back then was  
21 signing of the contract, and the people that were  
22 against the contract were ridiculed as well. And  
23 there were some heated arguments regarding that as  
24 well.

25 Q. Okay. So being an objector, being a recall

1 supporter, and opposing the signing of the first  
2 tentative agreement.

3 A. Yes.

4 MR. PRYOR: Object, calls for a legal  
5 conclusion, mischaracterizes testimony, and fails to  
6 include what she mentioned earlier in the  
7 deposition -- or in the testimony.

8 THE COURT: It's a question, so I will  
9 allow her to answer.

10 BY MR. GREENFIELD:

11 Q. Am I missing anything other than those three  
12 things of how you believe the Union retaliated  
13 against you?

14 A. The Union retaliated against me by turning me  
15 in to the company and getting me fired.

16 Q. Yes, ma'am. I think we all understand that at  
17 this point. I'm just --

18 A. So I'm not understanding -- I'm not  
19 understanding more of your question.

20 Q. Great. Perfect. I ask bad questions, I will  
21 ask plenty more as we talk. So I will try and back  
22 that up and rephrase it for us.

23 I'm trying to understand your beliefs about  
24 why. I know that you believe turning you in, okay?

25 A. Well, in my Christian rights, too, my Title VII

1 rights.

2 Q. Sure. And we will get to that. We will get to  
3 that. I just want to talk about the RLA  
4 specifically. Okay?

5 Is there anything else other than we retaliated  
6 against you -- that you allege Ms. Stone turned you  
7 in because you were an objector, right?

8 A. Oh, yeah.

9 Q. A recall supporter?

10 A. Yes.

11 Q. And because you oppose signing of the contract?

12 A. Those are some of the issues, yes.

13 Q. Are there any other ones? I just want the jury  
14 to have a full understanding. Are there any other  
15 issues?

16 A. Well, the other issues --

17 MR. PRYOR: Wait. Object, asked and  
18 answered. She mentioned others, and now they are  
19 going back and adding some and taking some out --

20 THE COURT: Hold on. That's a speaking  
21 objection.

22 MR. PRYOR: Sorry.

23 THE COURT: I will allow her to answer the  
24 question.

25

1 BY MR. GREENFIELD:

2 Q. Ms. Carter, I'm not trying to trick you. I  
3 just want --

4 A. No, no, no. It's okay. But I don't -- you  
5 know, I know that there is a complaint out there. I  
6 don't know what all is listed because I haven't read  
7 it in a long time.

8 But I will tell you this. I was objecting to  
9 everything that they were spending my money on and I  
10 didn't align with their political beliefs.

11 I do know that they had sent me who to vote  
12 for, which I think is a private thing for each  
13 member instead of us being told. I highly objected  
14 to that.

15 There's a whole slew of, I think, reasons.

16 Heck, I was asked who I voted for, and if I  
17 voted for a certain candidate that didn't align,  
18 Brett Nevarez says we shouldn't be in the union.

19 Q. Thank you, Ms. Carter.

20 And we have talked about buckets a lot.

21 A. Uh-huh.

22 Q. Let's talk about buckets.

23 Can we put this in a fourth bucket of you had a  
24 plethora of general dissent against the Union, and  
25 you believe you were being retaliated against, is

1 that fair?

2 A. Yes. Yes.

3 Q. Are you the only objector that was being  
4 retaliated against?

5 A. No.

6 Q. Okay. Can you tell me all of the objectors you  
7 are aware of that you believe were also being  
8 retaliated against by the Union?

9 A. Well, there's quite a few. But the ones that I  
10 do know personally --

11 Q. I wanted to know all of the ones that you  
12 think, whether you know them personally.

13 A. Okay. Well, I don't know -- I know Michi  
14 Foley. I know Jeanna Jackson, who is here in this  
15 courtroom. I know Cheri Parnell. I don't know if  
16 she was an objector, I can't remember. Yeah, she  
17 was.

18 Kim Hensley, I'm not sure if she was an  
19 objector, but she was one that was kind of  
20 retaliated towards.

21 Mike Casper. Greg Hofer.

22 I know who else they retaliated against but she  
23 wasn't an objector was Holly Imomovich. They harmed  
24 her horribly.

25 I could go down a list. I have to have all

1 their names in front of me.

2 THE COURT: Hold on.

3 MR. PRYOR: Can the witness finish her  
4 answer before the sidebar?

5 THE COURT: She can finish if she's got  
6 more to complete.

7 MR. PRYOR: Take your time.

8 THE WITNESS: Beverly Belanger.

9 Gosh, I can't think of all of the names.  
10 I know that there was a whole list that Brian also  
11 sent in the day that I was being called in in my  
12 fact-finding meeting, and that's a whole list of  
13 people. But there is more to add to that.

14 They all got harmed at some point. They  
15 either got a 30-day suspension -- they really went  
16 after Jeanna Jackson.

17 THE COURT: Okay. Hold on. This is where  
18 we need to talk at sidebar.

19 (Thereupon, the following proceedings were  
20 had at sidebar:)

21 THE COURT: You can't let her finish to  
22 that degree, right? You can't let her finish to  
23 that degree. We are walking right into the limine  
24 point on what Southwest did to people.

25 So she can complete her answer but not

1 violate the limine.

2 MR. PRYOR: I don't want her to violate  
3 the limine. He asked for the names. She --

4 THE COURT: And then she gratuitously  
5 volunteered --

6 MR. PRYOR: Well, then she's been -- okay.

7 THE COURT: She's been in the courtroom  
8 for the limine discussions. She's heard that.

9 So now I need to go back and say, whatever  
10 Southwest did to anybody does not matter to the  
11 claims in this case.

12 MR. PRYOR: I agree with that.

13 MR. McKEEBY: I mean, I --

14 MR. PRYOR: Is that the reason for the  
15 sidebar? I didn't even -- I was thinking of  
16 something else.

17 MR. McKEEBY: Well, the reason for the  
18 sidebar is that I think the question, frankly, was  
19 phrased in a way to prompt her to provide answers  
20 that violate the motion in limine. So I don't think  
21 that -- I think you phrased --

22 MR. GREENFIELD: Guys, this is the  
23 double-edged sword that I have been briefing the  
24 entire time as part of my motion in limine, is that  
25 once evidence is presented about certain testimony,



1 certain social media violations, I need to be able  
2 to flesh out who she thinks is being retaliated  
3 against. I need to be able to --

4 THE COURT: Well, as to the Union, yes.  
5 But that's not the same as Southwest coming back  
6 with ultimate dismissal.

7 So you can still ask your question on who  
8 got turned in. That's separate and apart from what  
9 Southwest did to those people. And that last  
10 sentence is the one she said I find problematic.

11 MR. PRYOR: Your Honor, I'm comfortable  
12 with telling her directly that she's not being asked  
13 about that. I mean, I think she --

14 THE COURT: So I can do that. I can ask  
15 the jury to disregard the last statement on what  
16 Southwest did and then continue on, and then ask her  
17 in the future if she's got information on that.  
18 Don't volunteer that. That is something --

19 MR. MCKEEBY: And I think you need to  
20 explain why you are doing that by repeating the  
21 limine instruction.

22 THE COURT: Right. I will.

23 MR. PRYOR: No objection, your Honor.

24 THE COURT: Sidebar.

25 (Thereupon, the sidebar was concluded and

1 the following proceedings were held in open  
2 court:)

3 THE COURT: Okay. So I will ask the jury  
4 to disregard the last part on what Southwest did to  
5 anyone. If you recall, I talked about this earlier.

6 What Southwest ultimately did to anyone is  
7 not relevant to the types of claims that are in this  
8 lawsuit as to Southwest.

9 Anyone who might have been reported to  
10 Southwest from the Union, that might be relevant to  
11 the claims against the Union, but I will ask the  
12 witness, if you have information on what Southwest  
13 did to anyone, I have carved that out of the  
14 lawsuit, given the nature of the claims at this  
15 point.

16 So, jury, please disregard that last  
17 sentence.

18 Please refrain from getting into that,  
19 Ms. Carter.

20 And you can proceed, Mr. Greenfield.

21 MR. GREENFIELD: Thank you.

22 BY MR. GREENFIELD:

23 Q. Ms. Carter, right now you and I are having a  
24 conversation, is that correct?

25 A. Correct.

1 Q. And these are your friends and supporters  
2 behind your attorneys?

3 A. Those are all flight attendants at Southwest.  
4 Yes.

5 Q. Are they not your friends?

6 A. Oh, yeah, they are friends and supporters and  
7 workmates and people who got harmed by the Union.

8 Q. That's what I'm asking, if they are just  
9 friends and supporters, ma'am. Is that right,  
10 Ms. Carter?

11 A. Yes. I mean, I think you guys have friends and  
12 supporters behind you, too.

13 Q. I don't know a single other person in this  
14 courtroom other than people who work for Southwest  
15 Airlines. I don't know anybody else here. I will  
16 represent that to the Court.

17 MR. PRYOR: Your Honor, the objection is  
18 who has supporters in the gallery, the irrelevance.

19 BY MR. GREENFIELD:

20 Q. And here is why I bring it up, Ms. Carter.

21 MR. PRYOR: Okay. I still have an  
22 objection to relevance.

23 THE COURT: I don't see the relevance.

24 Mr. Greenfield, you can explain for me at  
25 sidebar if you want.

1 MR. GREENFIELD: I will absolutely move  
2 on, your Honor.

3 THE COURT: Okay.

4 BY MR. GREENFIELD:

5 Q. We are having a conversation, correct?

6 A. Correct.

7 Q. I would like to ask you to talk to me. I don't  
8 believe there is any reason for you to be searching  
9 over in that area, is that fair, with your eyes?

10 MR. PRYOR: Your Honor, I object. That  
11 mischaracterizes --

12 THE WITNESS: I'm not searching over in  
13 that area.

14 MR. PRYOR: He asked her to see who is in  
15 the gallery and she looks, and then he acts like  
16 it's improper?

17 THE COURT: Sustained.

18 BY MR. GREENFIELD:

19 Q. All right.

20 People you believe were retaliated against by  
21 the Union are Michi Foley?

22 A. Kent Hand, too.

23 Q. Kent Hand. Okay. I'm just trying to get  
24 everybody here.

25 A. And he had to sue to get his job back as well.

1 Q. Ma'am, if you could --

2 THE COURT: That's a Southwest issue.

3 What Southwest did to anyone is --

4 THE WITNESS: Oh, I'm sorry.

5 THE COURT: -- not part of this lawsuit.

6 THE WITNESS: I'm sorry.

7 BY MR. GREENFIELD:

8 Q. Ma'am my, question is very simple. I'm just  
9 trying to understand who you believe was also being  
10 retaliated against by the Union, okay?

11 We have Michi Foley, correct?

12 A. Yes.

13 Q. Jeanna Jackson?

14 A. Yes.

15 Q. Cheri Parnell?

16 A. Yes.

17 Q. Kim Hensley?

18 A. Yes.

19 Q. Mike Casper?

20 A. Yes.

21 Q. Greg Hofer?

22 A. Yes.

23 Q. Holly Imomovich?

24 A. Yes.

25 Q. Beverly Belanger?

1 A. Yes.

2 Q. And Kent Hand?

3 A. Yes.

4 And there's many more, I just don't know their  
5 names on the top of my head.

6 Q. There's many more --

7 A. There was 100 of us, and we all had some kind  
8 of issue.

9 Q. There's 100 objectors. Is it your testimony  
10 that the Union took action to retaliate against all  
11 100 of those individuals?

12 A. I believe most of the ones that I just told you  
13 about, we were the most vocal, and we were the ones  
14 that were the most harmed.

15 But, yes, there were others that were harmed by  
16 the Union.

17 Q. My question is a little bit different, ma'am.

18 Are you claiming today that all 100 of those  
19 objectors were also being retaliated against by the  
20 Union?

21 A. If they were an objector.

22 Q. So yes.

23 A. I don't know if they did, but yes, they went  
24 after -- Brian Talburt states that he wants all  
25 objectors. I mean, he went after all of us.

1 Q. Ma'am, my question is, do you have an  
2 understanding or a belief --

3 A. Yes, I do.

4 Q. Do you have a basis for saying that all 100 --

5 A. I have an understanding.

6 THE COURT: Hold on. Hold on.

7 Finish your question, and then you can  
8 answer.

9 BY MR. GREENFIELD:

10 Q. You have a basis for saying that all 100  
11 objectors were being retaliated against by the  
12 Union? What is that basis?

13 A. They put all of our names out on a list and  
14 sent it around to all flight attendants so that they  
15 could gather information and turn them in. Yes.  
16 And the Union did that.

17 Q. We will come back to that.

18 Have you provided that documentation to your  
19 attorneys, Ms. Carter?

20 MR. PRYOR: Object to the extent he wants  
21 to talk about communications with counsel. He's  
22 aware --

23 THE COURT: Hold on.

24 Sustained.

25 You can bring it up at sidebar if you

1 want.

2 BY MR. GREENFIELD:

3 Q. And it's your -- do you have specific knowledge  
4 that all of the individuals that you did name, the  
5 nine individuals, were all objectors?

6 A. Yes.

7 Q. You are sure about that?

8 A. Pretty darn sure. I know they were objectors  
9 at one point.

10 Q. And it is your testimony that Ms. Jeanna  
11 Jackson, who is sitting over there in the gallery  
12 right now, that she was an objector during that time  
13 period?

14 A. She was an objector prior to that, and I  
15 believe she spent another \$100 to become a member  
16 again so that she could vote on the contract.

17 But she was the recall petition holder, and the  
18 Union went after her with a vengeance.

19 Q. Yes, ma'am. And we will turn to that recall  
20 right now.

21 As you testified earlier, you were being  
22 retaliated against because you were a recall  
23 supporter, correct?

24 A. Yes, I was vocal about it, yes.

25 Q. Okay. And were all of the other recall



1 supporters being retaliated against as well?

2 A. A lot of them, yeah. We were. We were all  
3 being -- yes.

4 Q. All of them?

5 A. I don't know how many there were on the recall.  
6 I don't know the exact number. But, yes, most of  
7 the ones that got harmed the worst were the most  
8 that were speaking about it.

9 Q. Now, is it fair to say that you believe the  
10 recall petition to be a valid complaint?

11 A. It was a very valid complaint.

12 Q. You believe there to be no fraud associated  
13 with that document?

14 A. I don't believe that there was any fraud. I  
15 believe that the Union -- and I'm going to state  
16 this now --

17 Q. Uh-huh.

18 A. It was like the -- what is it? The fox  
19 guarding the henhouse. Whatever that is. Where you  
20 actually have the actual people that we didn't want  
21 in there actually doing some of the counting of the  
22 votes and going through these things.

23 Yes, I don't believe that that is the way it  
24 should have been handled.

25 Q. Fair to say you believe it's a conspiracy to

1 get --

2 A. It's not a conspiracy. We know it to be true.

3 MR. PRYOR: Wait. Object, your Honor, to  
4 the relevance of going down this talking about the  
5 recall petition.

6 THE COURT: I'll allow it.

7 THE WITNESS: We know it to be true, who  
8 counted the votes. She did everything she could to  
9 make sure everything was on the up and up. But when  
10 you have the same people counting the votes as who  
11 is in office or who is working with the Union, doing  
12 the count, that is not a conspiracy, it is a  
13 conflict of interest, and it doesn't look right, and  
14 I don't think that that's the way it should have  
15 been handled.

16 BY MR. GREENFIELD:

17 Q. So you --

18 A. So, no, I don't believe your findings, I don't.

19 Q. So you believe the findings of the committee  
20 that investigated the report --

21 A. Uh-huh.

22 Q. -- are false?

23 A. I think a lot of them are, yes.

24 Q. Well, it's either -- so you think it's  
25 partially false or fully false?

1 A. I think it's partially false, yes.

2 Q. Okay. What do you think did they make up,  
3 ma'am?

4 A. Honestly --

5 MR. PRYOR: Relevance.

6 THE WITNESS: I don't know. I just know  
7 that --

8 THE COURT: I need to rule on the  
9 objection first.

10 I will overrule. You can answer.

11 THE WITNESS: It -- it -- you shouldn't  
12 have the same people counting the votes and looking  
13 at these signatures as who is in the union  
14 supporting the same people in the union that you are  
15 actually recalling. And that is the way it was  
16 handled.

17 BY MR. GREENFIELD:

18 Q. Okay. And we will talk about -- we will go  
19 into this in more depth, don't worry.

20 I'm just trying to get all of us on the same  
21 page, okay?

22 A. Uh-huh.

23 Q. So you believe that it was improper and  
24 fraudulent, correct?

25 A. My personal --

1 Q. The findings?

2 A. My personal -- my personal view --

3 Q. Yes, ma'am.

4 A. -- not anybody else's, yes, I do.

5 Q. And that's because the individuals who were on  
6 the committee were biased of some sort, right?

7 A. When you are working in and with a union, yes,  
8 I do think that's a bias.

9 Q. Okay. And, again, we will talk about all of  
10 that later.

11 Now, the third bucket was opposing signing of  
12 the contract.

13 A. That is correct.

14 Q. Okay. Are you aware that Donna Keith, a woman  
15 named Donna Keith opposed signing the contract, the  
16 first tentative agreement?

17 Do you know who Donna Keith is?

18 A. I know who Donna Keith is. I know she sits on  
19 the board. I don't know if she's a domicile rep. I  
20 can't remember what position that she -- that she  
21 holds.

22 Q. Uh-huh.

23 A. But that was her personal -- if she signed  
24 against the -- what was it -- you said the first  
25 tentative agreement?

1 Q. Yes, ma'am.

2 A. Why would I need to know if she signed it or  
3 not?

4 Q. I'm asking if you're aware or not.

5 A. No, I was not aware.

6 Q. Were you in the courtroom when Ms. Stone  
7 testified that Ms. Keith opposed the first tentative  
8 agreement?

9 A. Yes, but I didn't remember who it was that she  
10 said.

11 Q. Do you have any reason to believe that that  
12 would be inaccurate?

13 A. I'd have to look at the --

14 MR. PRYOR: Object, foundation.

15 THE WITNESS: I don't know. Because I  
16 would have to look at what the -- I mean who  
17 actually signed for the TA. I don't know if it's  
18 true or not. I don't have the paperwork in front of  
19 me.

20 THE COURT: Okay. I'm overruling that  
21 foundation objection to the last question.

22 BY MR. GREENFIELD:

23 Q. And are you aware of whether or not Mr. John  
24 DiPippa opposed the first tentative agreement?

25 A. I don't know.

1 Q. Were you in the courtroom when Ms. Stone  
2 testified that Mr. DiPippa opposed the signing of  
3 the first tentative agreement?

4 A. I don't remember who she spoke to. I'm sorry.  
5 I just don't remember. And, you know -- and if you  
6 say that's true, then that must be true. I just  
7 don't -- and I don't have the paperwork in front of  
8 me.

9 Q. And that's fair, Ms. Carter. All I'm asking is  
10 if you remember, that is all.

11 A. Okay.

12 Q. And Ms. Jessica Parker, are you aware whether  
13 or not she opposed the signing of the first  
14 tentative agreement?

15 A. Well, I'm sure that Ms. Stone actually probably  
16 testified for that, so I'm going to trust your  
17 wording on this. But, again, I don't have who  
18 signed and who didn't in front of me, so I cannot  
19 say with a shadow of a doubt whether they did or  
20 not. I can only take what she said here in the  
21 courtroom.

22 Q. Nor am I asking you to testify to anything that  
23 you don't specifically know about, okay?

24 Are you aware of who served on the committee to  
25 review the recall petition?

1 A. I know they were union members and worked in  
2 the union. I don't recall who it was, the names per  
3 se. But I do know that they were. And I'm sure  
4 it's within those names that you just said because I  
5 do know that Jessica Parker was part of it. But  
6 that doesn't have anything to do with the TA.

7 I objected with Jessica Parker doing some of  
8 the things that she did. She was at the Women's  
9 March. So, again --

10 Q. Thank you, ma'am. My question is a little bit  
11 different.

12 Would it surprise you to find out that Jessica  
13 Parker was on the committee to review?

14 A. No, it wouldn't surprise me at all.

15 Q. Would it surprise you that Donna Keith was on  
16 the committee to review the recall?

17 A. It wouldn't surprise me at all.

18 Q. Would it surprise you that John DiPippa was on  
19 there?

20 A. It wouldn't surprise me at all.

21 Q. Now, all of those individuals, I will represent  
22 to you, through Ms. Stone, opposed the first  
23 tentative agreement.

24 A. The two don't have anything to do with each  
25 other, not with -- not with the recall.

1 Q. Okay. But isn't it fair that -- and I believe  
2 this was your testimony -- that the recall petition  
3 was started after the first -- after the first  
4 tentative agreement failed, correct?

5 A. Correct.

6 Q. And you believe that you were being retaliated  
7 against by the Union for opposing that?

8 A. That is correct.

9 Q. Yet we have three committee members who opposed  
10 the first tentative agreement who are reviewing the  
11 recall petition.

12 A. Did I put it --

13 Q. You believe that the findings that they came up  
14 with are fraudulent, is that fair?

15 A. Did I say everybody on the board or did I say  
16 as a collective the Union was going after us?

17 Q. Ma'am, you testified that the -- I believe, and  
18 correct me if I'm wrong, that the findings of the  
19 committee reviewing the recall were fraudulent.  
20 Isn't that true?

21 A. I think they were, yes. I do believe so. I  
22 believe so.

23 MR. PRYOR: Object. He's using her words  
24 instead of -- he's using his words instead of hers.  
25 He's mischaracterizing her testimony. She didn't



1 say --

2 THE COURT: Hold on. Hold on. That's a  
3 speaking objection.

4 I will sustain that.

5 MR. GREENFIELD: All right.

6 BY MR. GREENFIELD:

7 Q. And then we have this fourth bucket of general  
8 union dissent that we kind of agreed upon.

9 Is that pertaining to, for example, the  
10 messages you sent to Ms. Stone's Facebook account  
11 from 2015 to 2017, before the ones you were turned  
12 in for?

13 A. The dissent?

14 Q. Is that what we are talking about?

15 A. Yes. It started -- yes, it started with what  
16 they did in the core group and got away with.

17 Q. And did Ms. Stone ever turn you in for any of  
18 those posts?

19 A. If my recollection is correct, she said she  
20 didn't really read most of those.

21 Q. Okay. So she wouldn't have turned you in for  
22 it, would she have?

23 A. If she didn't read any of them, I don't think  
24 she knew what they even said.

25 Q. So we could agree, then, it would be impossible

1 for her to file a complaint with you over something  
2 she didn't read, is that fair?

3 A. Yeah, if she hasn't seen them or read them.

4 Q. Agreed.

5 You mentioned religious discrimination, so we  
6 are on to our third complaint, so all of us can be  
7 on the same page.

8 Yes, your Honor.

9 THE COURT: Can I ask about a lunch break?  
10 It's 12:10. Is it okay timing-wise to take a  
11 one-hour lunch break?

12 MR. GREENFIELD: Of course.

13 THE COURT: Okay. Sorry about  
14 interrupting your flow.

15 MR. GREENFIELD: No problem.

16 THE COURT: So the jury will come back at  
17 1:11.

18 So the same three instructions. You can  
19 only talk to your fellow jurors or court personnel,  
20 just not about this case. You can't talk to anyone  
21 else. And don't do any research about the case.

22 We will see you in one hour.

23 All rise.

24 (The jurors exited the courtroom.)

25 THE COURT: Before you leave, I need to

1 ask y'all, so this goes back to our discussion at  
2 the end of the day Friday.

3 How long of a break can I tell someone  
4 they cannot talk about the case? My PA, similar  
5 with a Seventh Amendment right or a Fifth Amendment  
6 right, I cannot sideline an overnight break, but  
7 something shorter that I can say, don't talk to  
8 anyone about the case.

9 So my leaning is to ask you, do not talk  
10 to anyone about the case in the one-hour lunch  
11 break.

12 Anyone want to take a shot at me as to why  
13 I'm wrong?

14 MR. PRYOR: If he wants to instruct her  
15 not to talk to anybody, that is fine. One-hour  
16 lunch break.

17 THE COURT: Well, to not to talk to anyone  
18 about the case. I realize we put you all in small  
19 rooms. The best I can do is ask somebody to not  
20 talk about the case, right? I can't --

21 MR. PRYOR: We are fine with it, but I did  
22 want to talk to her again about the limine to make  
23 sure we don't have that issue about Southwest  
24 Airlines. I think you made it clear, but it seemed  
25 to come up even after you mentioned it.

1 THE COURT: I'm fine with that as an  
2 exception. The limine and what Southwest did to  
3 somebody is the only thing you can talk about  
4 case-wise. Is that all right?

5 I will note your objection. I'll overrule  
6 it because I think I'm safe at an hour even for  
7 someone with Fifth or Seventh Amendment rights, but  
8 not in overnight stay context.

9 All right. So please don't talk to anyone  
10 about the case except to the extent we just talked  
11 about. You can talk to your lawyers about the  
12 motion in limine on Southwest and their treatment of  
13 individuals.

14 Okay. Anything else before y'all take  
15 your break?

16 Okay we will see y'all back here at 1:10.  
17 How about that? One minute before the jury shows  
18 up. Thank you.

19 (Recess.)

20 THE COURT SECURITY OFFICER: All rise.

21 THE COURT: Thank you.

22 Mr. Frye is out because he's wrapping up  
23 the time clock calculations. I'm trying to give  
24 y'all, you know, half-day calculations and then  
25 end-of-the-day calculations so you know a closer to

1 accurate time where you stand. So he will come back  
2 in as soon as he's done with that.

3 Anything before we get the jury?

4 MR. GREENFIELD: No.

5 THE COURT: Let's bring them on in.

6 (The jurors entered the courtroom.)

7 THE COURT: Okay. You can be seated. And  
8 Mr. Greenfield, you can continue.

9 BY MR. GREENFIELD:

10 Q. Hello, Ms. Carter.

11 A. Hello.

12 Q. All right. Do you mind if we just kind of pick  
13 right back up where we left off before lunch?

14 A. Sure.

15 Q. Okay. And what we were doing before lunch, is  
16 you and me the jury here, we're trying to get on the  
17 same page as what you are claiming and how the union  
18 has wronged you, okay?

19 A. Uh-huh.

20 Q. All right.

21 And we just finished talking about the Railway  
22 Labor Act, and we talked about your claims of breach  
23 of fiduciary duty against the union.

24 And now I'm turning to, you have claims against  
25 the union for religious discrimination, and that the

1 union discriminated against you because of your  
2 religion?

3 A. Correct.

4 Q. Is that correct?

5 A. Correct.

6 Q. And how did the union do that, ma'am?

7 MR. PRYOR: Object to the extent it calls  
8 for a legal conclusion.

9 BY MR. GREENFIELD:

10 Q. How do you believe the union did that?

11 THE COURT: I will allow it to the extent  
12 she has knowledge.

13 You can answer.

14 THE WITNESS: I don't know how to  
15 formulate the words correctly.

16 In the fact-finding notes that Audrey  
17 Stone had sent -- or was talking with Ed Schneider  
18 reflects that she's making reference to my Facebook  
19 posts and my Christianity. And I'm not exactly sure  
20 why she would use such, you know -- what does my  
21 Christianity have to do with my Facebook page, my  
22 personal Facebook page?

23 I do believe that she went after me  
24 because of the Women's March, because I'm an  
25 objector, I object to everything that this union is

1 doing, and she didn't go to that march -- let's put  
2 it this way, I have never seen the union go to a pro  
3 life march. Ever.

4 They represent everything else that is  
5 political or a hot topic of some sort. And they  
6 don't make reference to any of our jobs per se. I  
7 think the union should be there specifically for our  
8 jobs, our safety, the health of us on the airplane  
9 and so forth.

10 BY MR. GREENFIELD:

11 Q. And that is why you are an objector, right,  
12 ma'am?

13 A. Oh, that -- yeah, she --

14 Q. I understand.

15 A. Yes.

16 Q. Okay. So is it fair to say that you believe  
17 the union discriminated against you through  
18 Ms. Stone as the president, correct?

19 A. Correct.

20 Q. And the discrimination is found by her turning  
21 you in for the post you sent her, correct?

22 A. And speaking about my Christianity, yes.

23 Q. Okay. And that's --

24 A. She mentions it.

25 Q. Right. And that is within those posts?

1 A. In what posts?

2 Q. Or -- I'm sorry -- within the Facebook messages  
3 you sent her? I apologize.

4 A. I don't -- you know what? I don't remember all  
5 of the Facebook messages that I wrote to her. But  
6 she referenced it off of my personal page.

7 Q. Okay. Is there anything else in any other way  
8 that the union discriminated against you because of  
9 your religious beliefs, other than that?

10 MR. PRYOR: Same objection as legal  
11 conclusions.

12 THE COURT: I will allow her to answer  
13 based on her personal knowledge.

14 THE WITNESS: That is a hard one to answer  
15 specifically, but their actions prove what happened  
16 to me. She got me fired for my Christian belief on  
17 my Facebook page. Also, the fact that I was totally  
18 against them going to that march, and, you know,  
19 supporting Planned Parenthood. I don't know how  
20 much more I can say about --

21 BY MR. GREENFIELD:

22 Q. Is it fair to say -- I'm sorry. I didn't mean  
23 to cut you off.

24 A. That's okay.

25 Q. Is it fair to say that it was the actions of



1 Ms. Stone?

2 A. Ms. Stone as being the union president. And  
3 the union, when I went -- okay.

4 Q. Yes, ma'am, I know. We agree on that. I don't  
5 think -- I think we are all on the same page.

6 It is fair to say that it was that act of  
7 Ms. Stone turning you in, that is where you believe  
8 the discrimination lies, is that fair?

9 A. Yes.

10 Q. Okay. Do you know if Ms. Stone is a Christian  
11 as well?

12 A. No, I do not.

13 Q. Do you believe anyone else was treated better  
14 than you -- do you believe any non-Christians were  
15 treated better than you?

16 A. I don't know -- because -- like, you know,  
17 everybody has been trying to say I'm trying to shove  
18 my religion down other people's throats. Most  
19 times, unless we know of our friends, we don't  
20 really talk about that at work. I mean, because it  
21 is a subject that you usually, you know, when you  
22 are on the airplane, you keep -- unless you know  
23 somebody.

24 Will you ask that one more time, though, the  
25 way you asked it.

1 Q. Yes. It wasn't -- I didn't do a really good  
2 job.

3 And maybe I can put these two things side by  
4 side and it will help us.

5 You claim that you were discriminated against  
6 in part because you were an objector. So we said  
7 all of these other -- you had a list of some other  
8 objectors that you felt were retaliated against?

9 A. Uh-huh.

10 Q. Do you feel like there were any other  
11 Christians that the union was targeting or was it  
12 just you?

13 A. That, I don't have any knowledge of. I don't.  
14 You know, I know some of my friends that she did --  
15 or they did go after are Christians, so, yes. I  
16 don't know if they displayed that, and if they knew  
17 that specifically. But, yes.

18 Q. Are you aware of any non-Christians who were  
19 treated more favorably than you by the union?

20 A. Again, I don't know most of the objectors'  
21 faith. So I can't really say. I don't know.

22 Q. I understand.

23 And let's -- let's even not just say  
24 "Christian," because I think to be fair, there is  
25 probably different interpretations of how people

1 view Christianity, so I don't want to blanketly put  
2 that on you.

3 Do you believe there is any individuals who  
4 shared your religious beliefs who were also being  
5 discriminated against by the union?

6 A. Yes, I do.

7 Q. Okay. Who are those people?

8 A. Jeanna Jackson. Beverly Bellinger. I know  
9 Mike Casper, he was. Knowledge-wise of other  
10 people, I don't -- I honestly don't know. Maybe  
11 Michelle Foley, I think she falls into the same  
12 camp.

13 Q. Okay. And can you point the jury to any  
14 individuals who did not share your religious beliefs  
15 who were being treated more favorably than you?

16 A. Can I point my finger to them?

17 Q. Yes. Can you identify them, sorry, you know?

18 A. Like I said, I don't know everybody's belief  
19 systems. I think that not only were there  
20 Christians complaining about this, but there were  
21 other members. There's men that were talking  
22 regarding this, that their union dues shouldn't have  
23 been spent for this. There's a -- we have a diverse  
24 group, and they should represent all when they do  
25 these things, not just a select group.

1 And really, they should stay out of political  
2 stuff, because like I said, we are all a diverse  
3 group. They should be taking care of the contract,  
4 our jobs, our safety, our health, anything that has  
5 got to do with our specific jobs. That is what the  
6 union should be taking care of. Period.

7 Q. Yes, ma'am. I think we understand that you  
8 have a specific view as to what the union's role  
9 should be, fair?

10 A. Well, I think a lot of people do. I mean, it  
11 is -- you know, there are so many of us and we all  
12 think differently.

13 Q. I understand. Absolutely. I would completely  
14 100 hundred percent agree with you the fact that --  
15 well, let's just take a step back. The union is  
16 about 15,000 people?

17 A. Give or take, yes. I don't know what it is  
18 now.

19 Q. Just approximately.

20 A. Yeah.

21 Q. Fair to say within that group, there is people  
22 of many different religions?

23 A. Yes.

24 Q. Many different races?

25 A. Yes.

1 Q. Different political beliefs?

2 A. Yes.

3 Q. Okay. I would like to now kind of talk about  
4 your last claim that you are bringing against the  
5 union.

6 You have claimed that the union did not provide  
7 you a religious accommodation, is that your  
8 understanding as well?

9 A. Yes. I mean, they didn't -- they didn't even  
10 take -- into -- especially when I went above -- when  
11 I went towards the board, when I had to have my  
12 meeting with the board.

13 Same argument. You know, this was a union  
14 president that turned me in. I'm a Christian. I  
15 don't believe that our union dues -- all through  
16 everything that I have said this whole time -- and I  
17 actually spoke to Michael Massoni, he was the person  
18 that was on the phone. They chose not to take my  
19 case, knowing that it was the union president that  
20 turned me in.

21 Q. You say he decided not to take your case?

22 A. No, they did not take my case. I had to bring  
23 my own attorneys.

24 Q. You are talking about the arbitration  
25 proceeding?

1 A. Correct.

2 Q. Okay.

3 A. And they should have represented me knowing  
4 that this was union business, and it was -- that  
5 this was the president turned me in to the company.  
6 They have a fiduciary -- a fiduciary responsibility  
7 and they take an oath not to harm a member.

8 Now, I'm an objector, but I still pay the dues.  
9 So -- so, I mean, I don't understand all of that.  
10 It shouldn't be that way. If I'm an objector, I  
11 should be able to just say, you know what, I'm going  
12 to take my dues and send it to another cause, if  
13 that is the case, if they are not representing us  
14 the correct way.

15 Q. Yes, ma'am. I think we all understand at this  
16 point why you are an objector and your basis for  
17 doing that.

18 I would like to turn us back to the concept of  
19 the religious accommodation.

20 What, if any, accommodation did you want the  
21 union to provide you?

22 MR. MORRIS: Objection, she just answered.

23 THE COURT: Sustained.

24 MR. GREENFIELD: I -- maybe we can -- can  
25 we sidebar, your Honor?

1 (Thereupon, the following proceedings were  
2 had at sidebar:)

3 MR. GREENFIELD: I don't mean to be  
4 obstinate, but I honestly have no idea what she just  
5 said, and I don't think the jury does either.

6 THE COURT: She said they didn't provide  
7 her a lawyer in the arbitration.

8 MR. PRYOR: And she said they shouldn't  
9 have reported her. It's both in her answer. She's  
10 answered.

11 MR. GREENFIELD: Okay. But that is what  
12 I'm trying to find clarity on. I'm not trying to  
13 belabor a point. I'm not trying to ask and answer.  
14 I just literally did not understand her answer.

15 THE COURT: So do you want her to tell you  
16 that you should have provided her a lawyer? If you  
17 want to ask that.

18 MR. GREENFIELD: Okay.

19 And then can I wrap it up and say, is  
20 there anything I'm missing?

21 THE COURT: Sure.

22 MR. PRYOR: My concern is, you keep asking  
23 the same question. She feels like, well, gee, I  
24 guess I must not have answered it before. It is  
25 just not fair to the witness.

1 MR. GREENFIELD: I have asked it -- I have  
2 asked it one time.

3 MR. PRYOR: Once is enough.

4 MR. GREENFIELD: Mr. Pryor, you were up  
5 here asking the same question five times. I have  
6 about 84 asked and answered.

7 MR. PRYOR: I'm sure you objected.

8 THE COURT: I'll let you ask.

9 (Thereupon, the sidebar was concluded and  
10 the following proceedings were held in open  
11 court:)

12 THE COURT: Okay. You can ask the  
13 question we discussed.

14 BY MR. GREENFIELD:

15 Q. Okay. And I'm not trying to be obstinate here,  
16 Ms. Carter. I'm just trying to have some clarity.  
17 And so I apologize if I'm -- if you feel like I'm  
18 belaboring the point, okay?

19 A. Uh-huh.

20 Q. Okay. My understanding, based on what you  
21 said, was that you should have been provided an  
22 accommodation in respect of the union should have  
23 represented you at the arbitration? Is that what  
24 you are --

25 MR. PRYOR: Let me object.



1 Mischaracterizes her testimony by not giving her  
2 complete answer.

3 BY MR. GREENFIELD:

4 Q. In part. Is that what you are saying, in part?

5 THE COURT: I will allow the reformulated  
6 question.

7 BY MR. GREENFIELD:

8 Q. Ms. Carter, I'm right here.

9 A. I know that. I am -- by turning me in, okay,  
10 she went against my Christian value system. And  
11 yes, she -- you know what, if -- I'm just going to  
12 do a hypothetical here for just second. If I would  
13 have been the union president --

14 MR. GREENFIELD: Object to non-responsive,  
15 Your Honor. Her hypothetical doesn't --

16 THE COURT: I think the question doesn't  
17 call for it. So I will stop the answer there.

18 BY MR. GREENFIELD:

19 Q. And again, I'm not trying to cut you off. I  
20 really am not, but --

21 A. Yes, I believe that -- I believe that they  
22 should have recognized that I was a Christian. I  
23 don't know what accommodation --

24 MR. GREENFIELD: Excuse me, your Honor,  
25 objection, move to strike. I haven't asked a

1 question. She's just talking.

2 THE COURT: Agreed. So can you refocus  
3 your question?

4 MR. GREENFIELD: Yes, your Honor.

5 BY MR. GREENFIELD:

6 Q. I'm not trying to be difficult, Ms. Carter. I  
7 am just trying to understand.

8 And I think based on what you just said, is  
9 that the accommodation you were seeking was that  
10 that Ms. Stone, President Stone, should not have  
11 turned you in, and turning you in violated what you  
12 believe to be your accommodation to be able to say  
13 what you needed to say regarding your religion? Is  
14 that -- I don't want to put words in your mouth. Is  
15 that right?

16 A. Yeah, I mean, she -- she turned me in. She  
17 knew I was a Christian, she saw it on my Facebook  
18 page.

19 You know, it states in our contract -- or in  
20 the constitution of the -- or the international  
21 constitution, that you don't discriminate against  
22 race, you don't discriminate against religion, and  
23 so on.

24 And when she's making reference to my  
25 Christianity on my Facebook page, that raises a

1 pretty good question.

2 Q. I understand. And we talked about that in  
3 relationship to your religious discrimination  
4 claims. So I understand that.

5 But just so we are clear, so what you are  
6 saying is, you should -- the accommodation that you  
7 wanted the union to provide is that you could make  
8 that communication to President Stone --

9 A. Correct.

10 Q. -- and not be turned in, is that correct?

11 MR. PRYOR: Object, your Honor, this is  
12 asked and answered. She's answered it three times.  
13 Now --

14 THE COURT: I will sustain that.

15 MR. PRYOR: -- he's wanting to  
16 summarize --

17 THE COURT: Hold on. That is a speaking  
18 objection. I will sustain that.

19 BY MR. GREENFIELD:

20 Q. Is that correct?

21 THE COURT: No, I sustained it. Got to  
22 ask a new question.

23 BY MR. GREENFIELD:

24 Q. Is there anything else that you believe the  
25 union should have provided you as an accommodation?

1 MR. PRYOR: Object to the extent it calls  
2 for a legal conclusion and to the "anything else,"  
3 given that she's answered this previously in other  
4 context.

5 THE COURT: I will allow the question.  
6 You can answer.

7 THE WITNESS: Whether I'm a Christian or  
8 not, I believe she did go after my Christianity  
9 because she spoke about on -- in to my supervisor  
10 when she turned me in regard to my personal Facebook  
11 page.

12 That means she went back to look for  
13 something like that, and she referenced that. So,  
14 yes, I believe she discriminated against me when it  
15 comes to being a Christian. I do.

16 BY MR. GREENFIELD:

17 Q. Yes, ma'am.

18 I don't dispute that that is what you are  
19 alleging in this lawsuit.

20 A. No, she shouldn't have turned me in.

21 Q. Okay. And my question was a little bit  
22 different.

23 I want to know if there is anything else you  
24 believe that the union should have accommodated you  
25 in regards of pertaining to your religion, other

1 than that?

2 MR. PRYOR: Again, object, asked and  
3 answered. Same objections.

4 MR. GREENFIELD: I don't believe I ever  
5 got an answer to this question.

6 THE COURT: I will allow this one last  
7 time, you can answer.

8 THE WITNESS: You know, I don't even know  
9 what an accommodation really is. She should have  
10 recognized that I was a Christian. And I think that  
11 she should have -- honestly, she should have -- she  
12 should have -- well, she should have reached out to  
13 members, period, with any kind of complaint. But --  
14 BY MR. GREENFIELD:

15 Q. But you weren't a member, were you, Ms. Carter?

16 A. I still paid dues. I still -- she was sending  
17 me things as -- as a union member.

18 MR. GREENFIELD: Objection,  
19 non-responsive.

20 BY MR. GREENFIELD

21 Q. Ma'am, you were not a member --

22 A. I answered that. I'm telling you exactly how I  
23 see it. The union went after me -- she did -- for  
24 my Christian beliefs.

25 MR. GREENFIELD: Objection, your Honor,

1 non-responsive. Move to strike.

2 THE WITNESS: I don't know how to answer  
3 it.

4 THE COURT: I will sustain that last one  
5 of yours.

6 BY MR. GREENFIELD:

7 Q. My question was pretty simple, Ms. Carter.

8 You were not a member, correct?

9 A. I was an objector.

10 Q. Okay. And so your accommodation that you were  
11 seeking was that you wanted to be able to say  
12 whatever you wanted to, to a coworker, as long as it  
13 pertained to your religious beliefs, is that  
14 correct?

15 A. I wanted an open dialogue and freedom of speech  
16 to my union president, who still has an obligation,  
17 because she's spending my dues, to protect me. It  
18 is still as an objector, she still has to protect  
19 us.

20 Q. I understand, Ms. Carter. My question was a  
21 little bit different.

22 Do you agree that you wanted to be able to say  
23 whatever you wanted to, to another coworker, as long  
24 as it was related to your religion?

25 A. Again, not just a coworker. My union

1 president. And yes. I should have been able to  
2 have that freedom to speak to her in -- just like if  
3 I were in a union meeting, yes.

4 Q. And say whatever you want?

5 A. That is what happens in union meetings, yes.

6 Q. Ma'am, was this a union meeting?

7 A. It is the same context. I was speaking to my  
8 union president, just like it would have been if I  
9 would have been in a union meeting.

10 Q. But it was not a union meeting, correct?

11 A. It was a private message, email, whatever you  
12 want to call it, to my union president for the way  
13 that they were spending our money, and they had gone  
14 to that march, and the things that they spent, you  
15 know, our dues money on. So I don't know how much  
16 more I can answer that for you. I'm trying.

17 Q. Just my simple question.

18 A. Yes. I believe that I should have an -- okay.

19 Q. And maybe I can take a step back here.

20 My question was, this didn't occur in a  
21 membership meeting, did it?

22 A. No. It didn't.

23 Q. Okay.

24 MR. GREENFIELD: Your Honor, I would like  
25 to reserve the rest of my time with Ms. Carter for

1 my case in chief, and I can pass the witness.

2 MR. PRYOR: For your case-in-chief?

3 MR. GREENFIELD: Yes.

4 MR. PRYOR: He's gone beyond direct, and  
5 so he needs to ask her questions now.

6 THE COURT: Sidebar.

7 MR. PRYOR: Okay.

8 (Thereupon, the following proceedings were  
9 had at sidebar:)

10 MR. PRYOR: Okay.

11 THE COURT: So you're arguing he exceeded  
12 the scope, so he's got to go now?

13 MR. PRYOR: What?

14 THE COURT: You are arguing that he  
15 exceeded scope, so he needs to go now?

16 MR. PRYOR: Oh, absolutely. And I didn't  
17 object --

18 THE COURT: What topics did he exceed the  
19 scope on?

20 MR. PRYOR: The topics we were just  
21 covering. He went through every single RLA claim,  
22 every single position. I didn't do any of --

23 MR. GREENFIELD: Are you willing to  
24 concede that you haven't proven those points?

25 MR. PRYOR: I have proven my points. I



1 didn't ask for legal questions. You went through  
2 every one of the legal concepts over my objections.

3 MR. GREENFIELD: Every -- every single --  
4 you are saying you didn't address anything about any  
5 of those legal claims?

6 MR. PRYOR: I'm saying you exceeded the  
7 scope of direct --

8 MR. GREENFIELD: I absolutely --

9 MR. PRYOR: -- about most of your --

10 MR. GREENFIELD: I absolutely did not.  
11 All I did was walk her through her claims against  
12 the -- I went very slowly, one, two, three, four --

13 MR. PRYOR: And I asked factual -- I'm  
14 sorry, your Honor, I shouldn't speak.

15 THE COURT: It is fine. You can say your  
16 last statement.

17 MR. PRYOR: Nothing further.

18 THE COURT: I think it was sufficiently on  
19 topic, right, there were questions that got more in  
20 depth. But I go topic by topic, not depth of the  
21 question. So I think it is sufficiently on step to  
22 where I can't say that I'm boxing you out and you  
23 have to ask other questions.

24 So I think you can reserve the rest of  
25 your questions for your case in chief.

1 Which will take the baton back to you.

2 MR. PRYOR: It will what?

3 THE COURT: It will take the baton back to  
4 you for round two of the questions on her.

5 MR. PRYOR: Okay.

6 THE COURT: Ready?

7 MR. PRYOR: Yes, sir.

8 (Thereupon, the sidebar was concluded and  
9 the following proceedings were held in open  
10 court:)

11 THE COURT: Okay. So I will let you  
12 reserve the remainder of your questions for your  
13 case in chief, which means I need to now ask  
14 Mr. Pryor if he wants to ask more questions at this  
15 point.

16 MR. PRYOR: Yes, your Honor.

17 REDIRECT EXAMINATION

18 BY MR. PRYOR:

19 Q. Ms. Carter, the discussion about Step 2 process  
20 and arbitration that you were involved in, those  
21 were not part of your claims protecting your  
22 religious activity. That is what this case is  
23 about?

24 MR. McKEEBY: Objection, leading.

25 MR. PRYOR: Your Honor, this is redirect.

1 THE COURT: I will allow this.

2 BY MR. PRYOR:

3 Q. You can answer.

4 A. Correct.

5 Q. And, in fact, the protection of your RLA rights  
6 and your union activity rights, that is part of this  
7 lawsuit, not part of the Step 2 and arbitration?

8 A. Correct.

9 Q. Let's look at Exhibit 118. While he's calling  
10 that up, let me ask you about, you were asked about  
11 your W-2s and some other documents. And if you were  
12 working full time, how much would you be making?

13 A. Give or take, if I -- 80 to 90 trips a month up  
14 to 100, at my pay scale, I could make anywhere from  
15 80- to \$100,000 a year.

16 Q. And would that include benefits or it would be  
17 more with benefits?

18 A. It would be more with benefits.

19 Q. What do you estimate that to be with benefits?

20 A. Well, there is profit sharing. And then there  
21 is a match of your 401(k). And then they pay a  
22 certain portion of our medical insurance. And then  
23 I believe they had been getting bonuses, I know,  
24 through some of the time, a bonus for -- I don't  
25 know if it was for -- I know there was a bonus for

1 the contract, but then there was a bonus after  
2 companies got money or a tax break or something like  
3 that.

4 MR. McKEEBY: Your Honor, object, this is  
5 beyond the scope of the --

6 MR. PRYOR: He asked about W-2s, he asked  
7 about --

8 THE COURT: I will allow the topic.

9 BY MR. PRYOR:

10 Q. And what do you estimate that to be?

11 A. That is hard to estimate, because I mean, with  
12 my 401 contribution and -- it -- that is hard.

13 Q. Just give me a reasonable estimate. Be more or  
14 less than 20,000 a year?

15 A. Oh, it would be more.

16 Q. Okay.

17 So 80- to 100,000 in salary and more than  
18 20,000 in benefits, correct?

19 A. Yeah. It -- well, with my 401 and the profit  
20 sharing.

21 Q. And from the time you were terminated -- if you  
22 were put back in your job today, would you be able  
23 to go back full time and earn that money?

24 A. Oh, yes. My daughter is going to college.

25 Q. Okay. Let's look at Exhibit 118.

1 Now, it said -- it says, "Audrey Stone invite  
2 Audrey to Messenger" on this exhibit.

3 When you sent your message, what Facebook page  
4 did you send it to?

5 A. That is interesting.

6 Q. That is why I'm asking.

7 A. Yeah, it said -- well, and I said this before,  
8 it said, Audrey Stone TWU.

9 Q. And what does this say?

10 A. This just says Audrey Stone.

11 Q. Do you know why that is?

12 A. She changed it.

13 Q. Okay. So after you sent -- when you sent it,  
14 it was Audrey Stone TWU?

15 A. That is correct.

16 Q. And we saw that in the core team member  
17 exhibit, it had Audrey Stone, TWU?

18 A. That is correct.

19 Q. And then after she brought this complaint, you  
20 go back to print this out, what does it say?

21 A. Well, I don't even -- I think my printouts, I  
22 thought had the Audrey Stone TWU on it.

23 Q. But the one that they have shown you says  
24 Audrey Stone?

25 A. Just Audrey Stone, yes.

1 Q. Let's look at Exhibit 40. And while they are  
2 pulling up Exhibit 40, you were asked about -- can  
3 you say anything -- do you recall me asking you on  
4 direct -- and maybe you just aren't thinking of  
5 this -- but that you can't engage in illegal speech,  
6 can you?

7 A. No.

8 Q. You are not asking for that?

9 A. No.

10 Q. If you threaten to shoot somebody or you  
11 commit -- say something illegal, you are not asking  
12 for the protection for that, are you?

13 A. No.

14 Q. And you have already explained to us you are  
15 not asking for unfettered communications in the  
16 workplace, correct?

17 A. Correct, yeah, no.

18 Q. Okay. Let's look at Exhibit 40. And it  
19 says -- if I can find the section -- in addition,  
20 you are required to comply with all company policies  
21 and procedures.

22 And at this point, you had been fired, right?

23 A. Correct.

24 Q. And you have been fired for posting on your  
25 personal Facebook page?

1 A. Correct.

2 Q. Asked you about past posts. I'm going to ask  
3 you about future posts. So if you posted something  
4 in the future, your experience is you get fired?

5 A. Correct.

6 Q. You didn't want to do that?

7 A. No. Because I got --

8 Q. And, in fact, you would give up your right to  
9 sue them when they did fire you, right?

10 A. Correct.

11 Q. And look at that last line, if you do anything  
12 in the future that they consider a violation, it  
13 will result in termination. Correct?

14 A. Correct.

15 MR. PRYOR: Thank you, ma'am.

16 Oh, wait, hang on one second.

17 Thank you. Pass the witness.

18 THE COURT: Okay. Mr. McKeeby. Round  
19 two.

20 MR. MCKEEBY: I will reserve questions.

21 THE COURT: All right. Any round two  
22 questions, Mr. Greenfield?

23 MR. GREENFIELD: I will save them.

24 THE COURT: Okay. With that, I think you  
25 are done for this round. You can leave the stand.

1 You can return to your seat in the courtroom.

2 And let me ask who Carter is going to call  
3 as her next witness?

4 MR. PRYOR: Your Honor, at this time, we  
5 call Brett Nevarez by video deposition. I am told  
6 this video is a real video deposition.

7 THE COURT: Okay. So hopefully it  
8 actually will be video and not have audio that is in  
9 and out.

10 MR. PRYOR: And it is very short.

11 THE COURT: Very short. We have got it  
12 cued up.

13 So what I will tell y'all is the same  
14 thing I told y'all last time on depos. Two things:  
15 One is, if someone meets the test for being  
16 unavailable legally, then I can allow their prior  
17 recorded testimony under oath to be played to you  
18 here in court, and this next witness does meet that  
19 legal test. You are to credit their testimony the  
20 same as if you heard them sitting here on the stand,  
21 saying the words they are going to say.

22 The second disclaimer is what I told you  
23 part way through the last deposition, which is, you  
24 might see the words on the bottom, the transcript.  
25 Remember, that transcript is not the evidence. The



1 evidence is the words you hear the witness say. It  
2 is the video you see. The witness and their  
3 non-verbal expressions.

4 So that is the evidence. The transcript  
5 is just a helpful assistant there for you.

6 With that, we can cue up the video and  
7 play it.

8 (Thereupon, the video clip was played and  
9 transcribed as follows:)

10 TESTIMONY OF BRETT NEVARES

11 BY MR. PRYOR:

12 Q. Could you tell the jury what it was that your  
13 position was with Southwest Airlines in 2000 -- I'm  
14 sorry -- with the TWU Local 556 in 2017?

15 A. I was also a negotiating team member.

16 Q. What was your relationship with Audrey Stone?

17 A. I was the second vice president.

18 Q. You ran together -- well, did -- did you ever  
19 run for election together?

20 A. Yes.

21 Q. Did you frequently work together?

22 A. Yes.

23 Q. Union business and in your flying, is that  
24 right?

25 A. Yes.

1 Q. Did you consider her a good friend?

2 A. I still do, yes.

3 Q. Did you consider her a confidante?

4 A. Yes.

5 Q. Do you know whether she considered you a  
6 confidante?

7 A. Yes, I believe so.

8 Q. Would she frequently consult you on important  
9 decisions that she made?

10 A. Yes.

11 Q. Did she consult you when she received a message  
12 from Charlene Carter that she eventually submitted a  
13 complaint to Southwest about?

14 A. Yes.

15 Q. And what did you tell her?

16 A. I told her that the video was offensive.

17 Q. Did you suggest that she submit a complaint?

18 A. Yes.

19 Q. When she submitted the complaint, did you  
20 understand her to be doing that in her role as union  
21 president?

22 A. She never discon -- I mean, she's the president  
23 of the Union. You can't separate the roles between  
24 flight attendant and employee and president of the  
25 union, in my opinion.

1 Q. You supported her making that complaint in her  
2 role as union president, right?

3 A. Yes.

4 MR. HILL: Your Honor, this is the  
5 counter.

6 THE COURT: Yes.

7 MR. HILL: Can you tell the jury who is  
8 asking?

9 BY MR. MCKEEBY:

10 Q. He is wearing his neck tie, and I have a couple  
11 of questions for you.

12 A. Okay.

13 Q. You mentioned that when you met with Ms. Stone  
14 in Baltimore, she was distraught.

15 Can you explain to the jury a little bit more  
16 about what you meant by that?

17 A. She was crying and could barely speak. She  
18 just handed me her phone and I -- I turned the video  
19 on.

20 Q. Had she received one or two videos at that  
21 point or did you know?

22 A. I -- I only watched a few seconds of one video.  
23 That was enough for me to know I didn't want to  
24 watch any more.

25 Q. Do you know if there were two videos or --

1 A. I don't know if there were two or if it was  
2 sent twice. Instant Message is very inconsistent.

3 Q. Did you have to click on the video to make it  
4 play?

5 A. Yes.

6 Q. And it was on her phone?

7 A. Yes.

8 Q. And she handed it to you and you observed it at  
9 that meeting in Baltimore?

10 A. Yes.

11 Q. Did she indicate when she had received it?

12 A. Earlier that day.

13 Q. Did she indicate to you where she had viewed  
14 it?

15 A. Where she had?

16 Q. Yes. Where was she when she watched it, if she  
17 indicated that to you?

18 A. No. I -- no. I don't think she told me that.  
19 I just assumed there at the facility. We were at  
20 the Maritime facility outside the  
21 Baltimore-Washington airport.

22 Q. I forget if Mr. Greenfield asked you this, but  
23 have you ever turned in an employee, a Southwest  
24 employee, for violation of the social media policy?

25 A. No.

1 Q. Have you ever been turned in for violating the  
2 social media policy?

3 A. Yes.

4 Q. Who did that?

5 A. I don't know.

6 Q. What was the violation -- alleged violation?

7 A. It was a Facebook post that was turned in to  
8 management.

9 Q. What did you post?

10 A. I posted that Lynn was being discriminatory. I  
11 believed it to be union-protected speech. That she  
12 had posted some -- she behaved derogatorily in a  
13 Dallas membership meeting.

14 Q. Who was that?

15 A. Lynn Montgomery, the president.

16 Q. What does the concept of union-protected speech  
17 mean to you?

18 A. That management can't hold what's said in a  
19 membership meeting against a member.

20 (Thereupon, the video clip concluded.)

21 MR. PRYOR: That concludes it, your Honor.  
22 And I must admit I'm losing faith in the quality of  
23 these Zoom deposition offerings. I thought it would  
24 be better. Slightly better.

25 THE COURT: It is quite all right. So

1 does Carter have another witness to call?

2 MR. PRYOR: No, your Honor.

3 We would like to publish Exhibit 138.

4 THE COURT: Yes, you can do so. So I will  
5 just tell the jury, there was a time where I  
6 admitted Exhibit 138, but I don't think I had the  
7 jury screens un-muted, and so that was my fault. We  
8 are going to un-mute the screens, we're showing you  
9 Exhibit 138, so it doesn't surprise you when you  
10 have access to it back in the jury room.

11 MR. PRYOR: Thank you, your Honor.

12 Subject to rebuttal, Carter rests.

13 THE COURT: Okay. So what I will do is,  
14 then, any time we get a party rest, then I have to  
15 ask y'all to go take a break. We have legal issues  
16 that we have to talk about. I wish that would have  
17 come later, but there is no way to control these  
18 things.

19 So I'm going to give y'all your early  
20 afternoon break super early. And so same  
21 instructions: Can't talk to anyone about the case,  
22 you can only talk to your fellow jurors and court  
23 personnel, just not about the case; and can't do any  
24 research about the case. With that, we will call  
25 you back as soon as we are done with the legal

1 issues.

2 All rise for the jury.

3 (The jurors exited the courtroom.)

4 THE COURT: Okay. You can take a seat.

5 Okay. So Defendants, Union, Southwest, anyone need  
6 to make a motion at this point?

7 MR. McKEEBY: Yes, your Honor.

8 Southwest would like to make a motion  
9 under Rule 50 as a matter of law -- I'm sorry,  
10 should I take the podium or --

11 THE COURT: That's great.

12 MR. McKEEBY: Yes, so let me just start  
13 again.

14 Southwest makes a motion under Rule 50 for  
15 judgment as a matter of law, and there is a  
16 component of my motion that will be check the box,  
17 but this isn't it.

18 Your Honor, we don't disagree that some  
19 degree of protected activity, at least as the Court  
20 has construed the RLA, has been introduced by  
21 Ms. Carter.

22 The messages are sort of a combination of  
23 communications embedded in other messages. Some of  
24 which involved things like the recall election,  
25 involve things like how the union spends dues, and

1 otherwise expends its money, and about participation  
2 in the Women's March.

3 And all of that goes to protected  
4 activity, which is an element of the claim under the  
5 RLA.

6 But what there is no evidence of, is that  
7 any decision-maker at Southwest was motivated by any  
8 of those things in deciding to terminate  
9 Ms. Carter's employment. There is not sufficient  
10 evidence to go to the jury on the claim for that  
11 reason.

12 As the Court recognized earlier today,  
13 this is a novel claim that requires some proof that  
14 Southwest would retaliate against someone based on  
15 their objection to the union.

16 And I would respectfully submit that in  
17 this case, while there is evidence of protected  
18 conduct, again, as the Court construes the RLA --  
19 and I will get to that in the second part of the  
20 presentation -- but there is no evidence to support  
21 the notion that the Southwest decision-makers  
22 considered these things in terminating Ms. Carter's  
23 employment.

24 The only thing that arguably has any  
25 connection is the timing of Southwest's decision



1 relative to its discovery of the protected conduct.

2 But the court cases are pretty clear that timing is  
3 not sufficient to establish a connection between  
4 protected activity and retaliatory motive.

5 Particularly here, your Honor, because it is no  
6 surprise that the -- Southwest's knowledge of the  
7 RLA-protected activity came when it did. It was  
8 part of the investigation, part of the report of  
9 Stone that provided that information.

10 So it was part and parcel of both the  
11 complaint and the investigation. So it doesn't have  
12 the same -- the same inferential strength as in most  
13 cases. And I would cite to the Court to the  
14 decision such as Strong v. University Healthcare  
15 System, LLC, 482F.3d 802 at 808, that stand for the  
16 proposition that proximity in time alone is not  
17 sufficient to support retaliatory motive in  
18 connection with protected conduct.

19 And there is no other evidence in the  
20 record to support the notion that Ed Schneider or  
21 anyone else at Southwest terminated Ms. Carter's  
22 employment because she was a union objector, because  
23 she participated in the recall collection, because  
24 she complained about the Women's March or because  
25 she complained about how dues' member money was

1 spent.

2           This testimony about the reasons for the  
3 termination have not been rebutted with any  
4 evidence, other than speculation and conjecture, to  
5 the point where we are talking about emails in 2013  
6 that were sent by union loyalists to a Southwest  
7 executive who wasn't even involved in the decision.  
8 And the notion was that, well, you know, she didn't  
9 stop and tell Mr. Schneider about this past history  
10 four years ago, so that should create the inference  
11 of retaliation to support this claims.

12           That is just not sufficient evidence to go  
13 to a -- it is not evidence to go to a jury to  
14 support the RLA claim.

15           And there is nothing else other than the  
16 proximity in time. Again, that is not sufficient.

17           So that is the RLA claim.

18           And frankly, the -- the claims under Title  
19 VII are even more tenuous. Because there is, again,  
20 yes, she explained during the fact-finding meeting  
21 that she was a Christian and that she opposed  
22 abortion. We understand that.

23           And that creates some proximity in time  
24 between Southwest's receipt of that information and  
25 the termination decision.

1 But, again, that is not sufficient and  
2 there is absolutely nothing in the record to connect  
3 Ms. Carter's religious beliefs to her termination  
4 from employment. No -- no comparators, no other  
5 employees who were treated preferentially based on  
6 the fact that they were non-Christians, no negative  
7 comments about her religion, nothing like that.

8 The best that they can do is to point to  
9 that Women's March, your Honor, and say, see,  
10 Southwest terminated Ms. Carter because she talked  
11 about her opposition to abortion, but they let those  
12 women march in Washington and didn't discipline  
13 them.

14 But, your Honor, there are -- those women  
15 are not similarly situated to Ms. Stone for the  
16 purposes of this -- excuse me, Ms. Carter -- for the  
17 purposes of this case. They participated in a  
18 general march regarding women's rights. They --  
19 they -- there was no indication that they did  
20 anything other than carry one banner that was put  
21 into evidence that said in small letters, you know,  
22 the flight attendants Local 556, Flight Attendants  
23 of Southwest airlines.

24 The only -- they didn't carry signs that  
25 said, we are pro choice and we're proud of it or

1 anything like that. The only sign that is in  
2 evidence is a cardboard sign that the union posted  
3 on its website, that said -- had three boxes, one of  
4 which said "My body, my choice." But we don't know  
5 if that is a Southwest Airlines employee or not. It  
6 is -- there is no proof of that in the record.

7 And even if there were, it wouldn't matter  
8 because that is politics; that is political speech.

9 What they would have to do, and the  
10 inferential leap they want this jury to make, is  
11 that all of the women who participated in that march  
12 have different religious views than Ms. Carter. And  
13 they don't have that evidence.

14 There were dozens of women in those  
15 pictures. They want to let the jury infer that,  
16 well, they are participating in a Women's March,  
17 they, therefore, must be pro choice -- may be  
18 reasonable so far, but still not in evidence. And  
19 finally, they must not be Christian, therefore, they  
20 are similarly situated and were treated disparately  
21 to Ms. Carter. That is not a reasonable inference  
22 that can support this claim and allow it to go to  
23 this jury.

24 So for that reason, the discrimination  
25 claims fails as a matter of law.

1           The accommodation claim, your Honor, I  
2 would also like to address. The problem with  
3 that -- I don't think it is distinct at all from the  
4 religious discrimination claims because Ms. Carter  
5 hasn't identified, really, what the accommodation  
6 is.

7           Her testimony is vague, and there is no  
8 indication that her religious beliefs conflicted  
9 with any policy. When I asked her on cross if she  
10 violated a policy, she said no, she said she didn't  
11 violate any policy, which is a requirement to show  
12 that you need an accommodation.

13           So I think at the end of the day, it is  
14 not a claim that is distinct from her substantive  
15 religious discrimination claim, and she otherwise  
16 has not met the elements of a failure to accommodate  
17 claim.

18           I would also submit that there is no  
19 evidence to support instructing this jury on  
20 punitive damages, at least with respect to the  
21 claims against Southwest. There is no evidence of  
22 malice or reckless disregard for the protected  
23 rights of Ms. Carter under federal law.

24           And now to the check-the-box portion of my  
25 presentation. This is from our motion for summary

1 judgment, of course.

2 I would like to reurge the arguments  
3 regarding the preclusive effect of the binding  
4 arbitration agreement in this case, as presented to  
5 the judge, and the Court, that Ms. Carter has no  
6 private right of action under the RLA in this  
7 context, given that she cannot show and has not  
8 attempted to show union animus, as that concept is  
9 considered by courts in this context; that this  
10 court lacks jurisdiction over this dispute because  
11 it is a post-certification minor dispute.

12 And, again, as to the religious  
13 discrimination, that claim that she failed to  
14 exhaust her administrative remedies, and, therefore,  
15 cannot bring an accommodation claim against  
16 Southwest Airlines.

17 Thank you, your Honor.

18 THE COURT: Understood. Thank you, Mr.  
19 McKeeby.

20 Before I hear a response from Carter, can  
21 I hear what motion you might have, Mr. Greenfield?  
22 Because if you are chiming in adding on to some of  
23 his motion, then I think I should just hear from  
24 Carter all at once at the end.

25 MR. GREENFIELD: Yes, your Honor. Would

1 you like me to take the podium or --

2 THE COURT: That is fine by me, if you  
3 want to.

4 MR. GREENFIELD: I don't need to. I think  
5 the arguments are very similar. And so the union  
6 would just echo the request for motion of directed  
7 verdict regarding, again, the preclusive effect of  
8 the arbitration. And similarly, on the religious --  
9 the religious discrimination claims, again, there  
10 has been no -- Ms. Carter just took the stand, she  
11 could not identify any individual that is a  
12 non-Christian that she felt was treated more  
13 favorably than she was.

14 And in regard to the reasonable  
15 accommodation claim, the accommodation that  
16 Ms. Carter requested was, in fact, to be able to say  
17 whatever she wanted to, to Ms. Stone, as long as it  
18 was tied to her religious beliefs, and that cannot  
19 possibly be an accommodation.

20 And again, at this time, I would then ask  
21 the Court if I could reapply for my affirmative  
22 defense in regard to undue burden on that issue.

23 THE COURT: Understood.

24 So I will overrule your request for undue  
25 burden affirmative defense at this time for the

1 reasons I said earlier.

2 But I would like to hear from Carter on  
3 the response to both of those motions from Southwest  
4 and the Union.

5 MR. GILLIAM: Yes. I would like to come  
6 here if I could because I have the podium in my way  
7 and I can't see you.

8 THE COURT: That is true.

9 MR. GILLIAM: This makes it a little bit  
10 easier.

11 It is notable that Southwest can't point  
12 to any unprotected activity that Carter engaged in  
13 in support of its motion.

14 What is clear here is that they fired her  
15 for her Facebook videos and messages, both privately  
16 sent to Stone and posted on her own personal  
17 Facebook page. All of those message were protected.  
18 Southwest fired her for those messages.

19 So there is abundant evidence that  
20 Southwest discriminated against her for her  
21 religious beliefs and that they retaliated against  
22 her for her protected activities, and the same with  
23 the union on all three claims with the union.

24 They -- her protected activities were  
25 clearly a motivated factor -- motivating factor



1 under the RLA retaliation claims, because they took  
2 them into consideration. Ed Schneider's  
3 investigation summary notes, exhibit -- trial  
4 Exhibit 107 reflect that. He's summarizing what he  
5 found, and what he found included both Ms. -- well,  
6 he was reflecting on how Ms. Carter latched on to  
7 her Christian beliefs in her fact-finding meeting,  
8 and he -- he enumerated that as a factor. He  
9 enumerated all of her RLA-protected activities as a  
10 factor.

11 So they want to say that, oh, we didn't  
12 fire Ms. Carter for her protected activities, we  
13 fired her because she violated the social media  
14 policies.

15 But that is the point of protection. The  
16 point of RLA protection and the point of Title VII's  
17 protections is that she not be fired just because it  
18 violates the social media policies.

19 I would also say, moving to the failure to  
20 accommodate claim, is that Southwest was confronted  
21 with Ms. Carter's religious beliefs at the  
22 fact-finding hearing. Ms. Carter told them  
23 specifically that she was a Christian who has to get  
24 the word out, who shares the word out. That is her  
25 observance and -- of her religious beliefs and her

1 practices.

2 Yet, what did Ed Schneider do with that  
3 information? He did nothing. He knew that he could  
4 have reported it to the ACT team, and employee  
5 relations could have reported it to the ACT team.  
6 But they didn't. They recognized it was a protected  
7 category, Mr. Schneider's testimony shows that, but  
8 they did nothing. They knowingly evaded their  
9 obligation to make accommodation efforts for  
10 Ms. Carter's religious belief.

11 What was the accommodation that Ms. Carter  
12 needed? It was to not be fired. EEOC v.  
13 Abercrombie and Fitch says that firing an employee  
14 because of their religious beliefs or failing to  
15 accommodate an employee because of her religious  
16 beliefs is synonymous with religious discrimination.

17 Shifting to the union briefly here, so  
18 again, there, it is similar. The violation here of  
19 the RLA, the RLA retaliation was that  
20 President Stone turned Ms. Stone in, despite its  
21 duty as the exclusive bargaining representative, to  
22 treat all employees and protect all employees.

23 She turned Ms. Carter in, and in her  
24 complaint, Exhibit 66, she's turning her in because  
25 Ms. Carter sent her videos about a march she

1 participated in.

2 She talks about the Women's March. She  
3 says that the march that TWU participated in. And  
4 she turns her in for that.

5 She also turns her in for, quote, unquote,  
6 "religious comments" she made. And she gives these  
7 posts that Ms. Carter sent her, these videos that  
8 Ms. Carter sent her of -- of the aborted babies.

9 She, President Stone, enumerates all of  
10 the policies that she thought that Ms. Carter had  
11 violated. She's -- she's taking these posts to  
12 Southwest management as someone who engages  
13 Southwest management ordinarily to negotiate  
14 clemency for employees.

15 But rather than negotiate clemency for  
16 employees, this time, in her official capacity,  
17 she's trying to have the employee be fired.

18 As for the religious discrimination claim,  
19 again, Exhibit 66, Ms. Stone's complaint is turning  
20 Ms. Carter in explicitly for her religious comments.

21 Now, that is, per se, disparate treatment  
22 from all other represented employees because the  
23 union, how is it supposed to treat all non-Christian  
24 employees? Well, how does it treat all  
25 non-Christians employees? It doesn't turn them in,

1 it represents them. But Ms. Stone is turning in  
2 Ms. Carter because of her, quote, unquote,  
3 "religious comments," and the videos of the aborted  
4 babies.

5 Let me see just if I missed anything here  
6 in my notes.

7 I guess I just reiterate, too, that these  
8 Facebook videos and messages are all RLA-protected  
9 activity. She's talking about the recall. She's  
10 talking about how objector fees are being spent at  
11 the Women's March. She's talking -- Ms. Carter is  
12 talking about what the union did, how it represented  
13 employees at the Women's March. She's talking about  
14 a union event, and how they participated in the  
15 union event, and she's criticizing the event, which  
16 is her right.

17 So for all of those reasons, I oppose  
18 their motion for directed verdict and I think the  
19 Court should reject it.

20 THE COURT: Thank you, Mr. Gilliam.

21 Okay. So thank you for the arguments.  
22 What I will do at this point is I will deny the  
23 motions. I never state my reasons why. I wish I  
24 could. I have got plenty of reasons for that, but  
25 it is unwise of me if I start going into the reasons

1 why I deny your motions.

2 So what I think I should do is let y'all  
3 take a short break to regroup for the handing of the  
4 baton over.

5 Who is going to go first? It is you going  
6 first, Mr. McKeeby?

7 MR. McKEEBY: Yes.

8 THE COURT: Okay. So you can get your  
9 witness ready. Who are you going call to first?

10 MR. McKEEBY: I am going to call Maureen  
11 Emlet first. And I'm kind of having to make some  
12 decisions about witnesses somewhat on the fly, as I  
13 know --

14 THE COURT: Yes, sir.

15 MR. McKEEBY: -- Carter's counsel as well.  
16 We have got two other witnesses who will be here. I  
17 think I'm going to call the shorter witness first,  
18 with the thought that we may or may not get -- that  
19 would be Ms. Hudson.

20 THE COURT: Okay.

21 MR. McKEEBY: She would go after  
22 Ms. Emlet, assuming she's here on time -- or here  
23 when we need here. And if she's not, then we will  
24 call Mr. Schneider.

25 But those -- their order will depend on --

1 on kind of the length of things.

2 THE COURT: All right. That makes sense.

3 So what we can do is, then, let's go ahead and take

4 maybe an eight-minute break. When we come back, if

5 you want to go ahead and have Ms. Emlet on the

6 stand, then that's fine. You can be at the podium.

7 And then I will let you haul off and get started.

8 And then I will let Union question all of

9 these witnesses second.

10 And then we will go to you third,

11 Mr. Pryor, for examination of Southwest witnesses.

12 Does that make sense?

13 MR. PRYOR: What are we doing?

14 THE COURT: Okay. Any other questions

15 before we take our eight-minute break?

16 Okay. I will see y'all back here --

17 Yes?

18 MR. McKEEBY: I do intend to introduce the

19 Exhibit 147 through Ms. Emlet.

20 THE COURT: Through Emlet.

21 MR. McKEEBY: Right. So I don't know if

22 that is an issue we want to take up after the break

23 or now.

24 THE COURT: Let's go ahead and try to talk

25 through it now. So 147 is the exhibit that, on

1 Friday, you told them that you wanted to put into  
2 evidence.

3 MR. McKEEBY: Right.

4 THE COURT: So tell me why you think it is  
5 proper, and I will hear their objection.

6 MR. McKEEBY: Sure. I mean, it is --  
7 basically, what happened was, that there are --  
8 apparently unbeknownst to me until recently --  
9 different versions of the bullying and hazing  
10 policing policy. And the document that we had as an  
11 exhibit was not the same version of the policy that  
12 Mr. Schneider used at the fact-finding meeting, in  
13 which he considered in connection -- it is relevant  
14 or it came up because of this -- the language about  
15 cyberbullying.

16 That is not in the exhibit that we  
17 provided to the Court and so -- it is in the actual  
18 policy that Mr. Schneider went over with Ms. Carter  
19 at the fact-finding meeting. And it was simply a  
20 matter of I didn't realize that there was a separate  
21 version of the document.

22 And so once I found that out, realized  
23 that, then I advised counsel for plaintiff that,  
24 hey, we have got an older version that is the  
25 exhibit. The correct version is what is Exhibit

1 147, and we would ask that be allowed to use that.

2 And I understand that it may mean that  
3 they need to question Mr. Schneider or Ms. Emlet  
4 about the policy and cross-examine him about that.  
5 And I don't think they should be, you know, punished  
6 in terms of their time on that. So I'm willing to,  
7 you know, entertain that, certainly as -- as a  
8 concession.

9 But that is the right policy and it should  
10 be in front of the jury for them to make the, you  
11 know, most informed decision that they can.

12 THE COURT: Understood. Response?

13 MR. PRYOR: Your Honor, I have a document  
14 I would like to mark for the Court to look at.  
15 Should I call it Appendix 1 or how would you like  
16 to -- I would like it to be part of the record.

17 THE COURT: Part of this record, but not  
18 part of the -- what the jury --

19 MR. PRYOR: Correct, your Honor.

20 THE COURT: Sure. I'm happy for you to  
21 mark it as Appendix 1, and then you can bring it up  
22 to Mr. Frye -- yeah, let's call it Court Exhibit 1,  
23 maybe.

24 MR. PRYOR: I put Appendix 1 up here.

25 I'll have him rewrite Court Exhibit 1 on



1 it, and then --

2 May I approach, your Honor?

3 THE COURT: You may.

4 MR. PRYOR: It is an email we received  
5 before the trial began in this case in which  
6 Southwest Airlines listed their exhibits.

7 One of the exhibits they listed, and I  
8 attached the exhibit, is Exhibit 13. That is the  
9 workplace bullying and hazing policy.

10 And prior to trial -- three days before  
11 trial -- we had a few exhibits that we sought to  
12 add, and Southwest and the union took the position  
13 that was prejudicial. We ended up being able to  
14 utilize those exhibits.

15 This was an exhibit that was utilized at  
16 trial, and was certainly a large part of my  
17 examination of Mr. Schneider focusing on the  
18 workplace issue in that policy.

19 And focusing on the fact there was nothing  
20 about cyberbullying in it.

21 And I did this based on this is the policy  
22 they put forward. So I questioned about their  
23 policy. Now they are saying, no, it is the wrong  
24 policy. And it is highly prejudicial to us at this  
25 point to now admit it after we have examined the

1 witness and the evidence has come in.

2 Counsel is telling you that, well, the  
3 truth of it, it is -- there is a more updated  
4 policy. And I'm all for getting to the truth, but  
5 their opportunity to do that came before they listed  
6 their exhibits. It certainly came at the time I was  
7 questioning the witness about it, and they didn't  
8 raise it then. So changing the exhibit in the  
9 middle of the trial we find prejudicial.

10 And, your Honor, I move for the admission  
11 of Appendix 1. I'm not even sure that -- I just  
12 want to -- if you need authentication from me, I'm  
13 more than happy to swear to it, is all I'm saying.

14 THE COURT: I will admit this as Court  
15 Exhibit 1 for the purposes of this hearing, not for  
16 the purposes of jury evidence.

17 MR. PRYOR: That's right.

18 THE COURT: Okay. So what I'm going to do  
19 is, I'm going to think about this over our  
20 eight-minute break, come back, and I will tell you  
21 what I'm going to do with Exhibit 147 one way or  
22 another.

23 MR. McKEEBY: Can I raise one other issue,  
24 your Honor?

25 THE COURT: You may.

1 MR. McKEEBY: The exhibit -- or, rather  
2 the policy with the cyberbullying concept language  
3 is set forth in the fact-finding meeting on -- at  
4 Exhibit 198.15, where he goes over -- Mr. Schneider  
5 goes over the policy with the plaintiff and  
6 discusses --

7 MR. PRYOR: What exhibit?

8 MR. McKEEBY: This is 98.15. 98.15. And  
9 so it references -- he's quoting from the policy --

10 MR. PRYOR: May I --

11 MR. McKEEBY: Okay. Yeah, sure, sure.

12 He's quoting from the policy that is at  
13 147, and it references cyberbullying. So it is in a  
14 document that both sides admitted -- or requested as  
15 an exhibit that was introduced already and  
16 introduced through plaintiff's witnesses.

17 MR. PRYOR: That --

18 MR. McKEEBY: So this was already in --  
19 this was in the record, and it is clear that he's  
20 talking about this updated version of the policy.

21 So they can examine him and cross-examine  
22 him about -- about the previous policy. And advise  
23 the jury on that, but the jury should hear the right  
24 policy.

25 MR. PRYOR: I understand the last

1 argument, but the argument he just made to support  
2 it, I don't think does. This is someone's  
3 handwritten notes. She's testified she doesn't  
4 recall them going over this with -- with her at all.  
5 She's testified they didn't talk to her about it.

6           Somebody's notes, and who wrote "including  
7 cyberbullying" still doesn't state that that is what  
8 the policy said. They don't say that this is the  
9 cyberbullying policy. They are saying, you are  
10 violating cyberbullying.

11           So I don't find someone's notes to  
12 overcome what they have said their policy is, and  
13 that we questioned their witness about. I just  
14 think it -- I get it, but it is just -- if we were  
15 before trial, fine. But during trial, after I have  
16 questioned the witness with a document they listed  
17 that is their policy, I have a problem with it. Can  
18 we correct it with some time and cross? That I  
19 think it is prejudicial.

20           MR. McKEEBY: One other point, your Honor.  
21 Counsel for Carter indicated that defendants,  
22 plural, objected to the supplemental exhibits that  
23 Ms. Carter tried to file -- or did file prior to  
24 trial that the union did object, Southwest did not  
25 object. So I would like to point that point.

1 MR. PRYOR: You did not object?

2 MR. McKEEBY: I did not.

3 MR. PRYOR: Okay. I stand corrected,  
4 then. I see an objection from the union. You  
5 didn't join?

6 MR. McKEEBY: No.

7 THE COURT: Understood. Okay. I get the  
8 arguments. So let's come back at 2:26. We will  
9 tell the jury 2:26 is when we are coming back on.  
10 And I will give y'all the ruling on 147 before we  
11 put Emlet on the stand.

12 MR. McKEEBY: Thank you.

13 THE COURT: Well, you can put Emlet on the  
14 stand. I will give you the ruling. That will be  
15 fine.

16 THE COURT SECURITY OFFICER: All rise.

17 (Recess.)

18 THE COURT SECURITY OFFICER: All rise.

19 THE COURT: Y'all can be seated.

20 Okay. So here's my ruling on 147. On  
21 147, I'm more focused on good cause than prejudice.  
22 Here is why: Once we cross the threshold of trial  
23 and we are into trial and it is an exhibit that we  
24 have talked about with a witness already, then I am  
25 fixated more on what good cause is, and then we get

1 to prejudice next.

2 I think page 15 of document number 98,  
3 shows me that really Southwest was on notice back in  
4 2017 of what the right policy was at the time that  
5 it was being used with Ms. Carter. So I don't see a  
6 good cause basis to let it in at this point.

7 So part of this, I have been trying to  
8 think of create ways separate and apart from, you  
9 know, timing and not counting that against them, but  
10 I really still can't get past the good cause  
11 threshold.

12 So with that, I'm going to keep out  
13 Exhibit 147. You can still move for its admission  
14 with the jury in the box. That is totally fine.

15 MR. McKEEBY: Okay. Thank you, your  
16 Honor.

17 THE COURT: Okay. So we should call in  
18 the jury, and then we will stand up and swear you in  
19 once the jury is here. All rise for the jury.

20 (The jurors entered the courtroom.)

21 THE COURT: All right. You can be seated.

22 And now we pass the baton and the case  
23 over to Southwest Airlines.

24 So, Mr. McKeeby, you can call your first  
25 witness, which you have graciously already done for

1 me.

2 MR. McKEEBY: Southwest calls Maureen  
3 Emlet.

4 THE COURT: Okay. Ms. Emlet, can you  
5 stand up? And we are going to have Mr. Frye  
6 administer the oath to you.

7 (MAUREEN EMLET was duly sworn by the  
8 Clerk.)

9 THE COURT: Okay. So, Ms. Emlet, I'll  
10 just ask for there to be some space between any  
11 lawyer's questions of you and your answers. And  
12 then space -- they can afford the same courtesy,  
13 space after your answer, before the question. That  
14 way, if there is an objection, I can rule on it  
15 before you answer your question.

16 THE WITNESS: Okay.

17 THE COURT: Okay. You may proceed.

18 DIRECT EXAMINATION

19 BY MR. McKEEBY:

20 Q. Can you state your name for the record?

21 A. Maureen Emlet.

22 Q. Where do you reside, Ms. Emlet?

23 A. Aurora, Colorado.

24 Q. How are you currently employed?

25 A. I'm retired from Southwest Airlines.

1 Q. When did you retire?

2 A. December 31st of 2019.

3 Q. And when you worked for Southwest, where did  
4 you reside?

5 A. In multiple locations; my last residence was in  
6 Dallas, Texas.

7 Q. And how long a period of time did you work for  
8 Southwest Airlines?

9 A. Twenty-one years.

10 Q. What was your position with Southwest Airlines  
11 in -- I'm sorry, February of 2017?

12 A. I was a manager of labor relations.

13 Q. What did you do as a manager of labor  
14 relations?

15 A. My focus was on working with in flight group or  
16 the flight attendant group. I was responsible for  
17 ensuring that the contract was being applied  
18 correctly with the flight attendants as well as  
19 different company policies. I would work very  
20 closely with base managers and base representatives  
21 in determining whether or not any violations had  
22 been -- been made or -- either on the flight  
23 attendant side or the company side.

24 Q. Okay.

25 You mentioned a couple of concepts there that I



1 want you to explain a bit more to the jury.

2 When you say "the contract was applied  
3 properly," what contract do you mean?

4 A. The Collective Bargaining Agreement between TWU  
5 556 and Southwest Airlines.

6 Q. And you indicated that you communicated or  
7 coordinated with the base managers? What is a base  
8 manager?

9 A. Southwest Airlines has several different bases,  
10 or hubs, locations that flight attendants reside,  
11 and their trips originate in or out of that  
12 location.

13 It is called a base. And the manager would be  
14 responsible for overseeing the group of flight  
15 attendants who were assigned to that base.

16 Q. Thank you.

17 I think you also indicated something about a --  
18 you said something about violations of policies.  
19 Can you expand on that just a little bit?

20 A. Yes. In addition to the flight attendants  
21 being held to abide by the contract and the flight  
22 attendant work and conduct rules, there are also  
23 company policies that apply to all employees of  
24 Southwest Airlines.

25 Q. Now, were there particular company policies

1 over which you had responsibility or oversight?

2 A. Yes. I had responsibility to make sure that  
3 they were being enforced properly, including the  
4 social media policy, the workplace bullying and  
5 hazing policy, the mission statement; multiple  
6 company policies.

7 Q. Okay. We will get to some of these policies  
8 here directly.

9 Are you familiar -- well, before we get to  
10 that, now, were you ever a flight attendant for  
11 Southwest?

12 A. Yes, I was.

13 Q. For how long a period of time?

14 A. Ten months.

15 Q. When was that?

16 A. In 1998 to '99.

17 Q. Okay. Were you a member of the union at that  
18 time?

19 A. Yes, I was.

20 Q. Was that the Local 556?

21 A. Yes.

22 Q. All right. Now I will transition.

23 Are you familiar with the plaintiff in this  
24 case, Charlene Carter?

25 A. Yes.

1 Q. You recognize her?

2 A. Yes.

3 Q. How do you recognize her?

4 A. I was involved at the arbitration for  
5 Ms. Carter's claims.

6 Q. When you say you were involved, were you a  
7 witness?

8 A. I was a witness, yes.

9 Q. Were you cross-examined by her lawyer?

10 A. Yes, I was.

11 Q. Did you have some responsibility in connection  
12 with Ms. Carter's -- or the complaints against  
13 Ms. Carter?

14 A. My responsibility began when I was first  
15 notified of alleged violations, and during the  
16 investigation process, prior to the determination  
17 for the discipline for her violations.

18 Q. And do you recall how you first became aware of  
19 Ms. Carter's case?

20 A. Yes.

21 Q. Not the lawsuit, I'm talking about the  
22 complaint. How did you first become aware?

23 A. I believe the first I knew of it was when our  
24 employee relations specialist sent copies of videos  
25 and screen shots that Ms. Carter had sent to

1 Ms. Audrey Stone.

2 Q. Did you know who Ms. Stone was?

3 A. Yes.

4 Q. And who was she?

5 A. She, at the time, was the union president for  
6 Local 556.

7 MR. McKEEBY: Can you pull up Exhibit 83?  
8 Move to admit Exhibit 83.

9 THE COURT: Eighty-three. Any objections  
10 on 83?

11 MR. HILL: No objections.

12 THE COURT: Okay. 83 is admitted and you  
13 can publish.

14 MR. McKEEBY: Okay. So publishing to the  
15 jury.

16 (The referred-to document was admitted in  
17 Evidence as Trial Exhibit 83.)

18 BY MR. McKEEBY:

19 Q. Where are you on this email, if you can take  
20 a -- just a moment to -- I think I see you, but I  
21 will let you direct me.

22 A. My name is at the very top, from Maureen Emlet.

23 Q. Okay. Below it, do you see your name as well?  
24 It looks like you got a message from Ms. Gutierrez?

25 A. Yes. Originally -- well, it is a whole email

1 thread.

2 Q. Right.

3 A. But just below the first paragraph, you can see  
4 that Denise Gutierrez had sent the -- this email  
5 thread to me.

6 Q. Right. And if you go to the next page, 83.2,  
7 this is the second page of the thread, correct?

8 A. Yes.

9 Q. And do you understand that to be Ms. Stone's  
10 complaint that was forwarded to you?

11 A. Yes.

12 Q. Okay. Tell the jury who Denise Gutierrez is.

13 A. She was one of the employee relations  
14 investigators at the time.

15 Q. And so you were in labor relations though,  
16 correct?

17 A. Yes.

18 Q. Explain to the jury what the difference at  
19 Southwest was between employee relations and labor  
20 relations.

21 A. Labor relations dealt with the Collective  
22 Bargaining Agreement, that would be specific to that  
23 work group. So in my capacity, I worked mainly with  
24 flight attendants and ensuring that their contract  
25 was being upheld.

1 Employee relations dealt with cases of  
2 discrimination and, I think, they had -- I think  
3 they oversaw the social media policy. I'm not sure  
4 exactly which policies.

5 But they -- they would investigate to see  
6 whether or not there was any violation of a  
7 protected category. And then I worked with the  
8 bases to see if there was any -- any need or any  
9 substance to the allegation that would result in  
10 discipline.

11 Q. So it doesn't look like Ms. Gutierrez said  
12 anything to you in her email, but do you recall that  
13 she forwarded you the videos? Or not?

14 A. Yes. At first she called me, I believe that  
15 morning, and then she forwarded to me the videos as  
16 well as some screen shots and still shots.

17 Q. And am I reading this correctly that you then  
18 forwarded those to Ms. Shaffer and Ms. Grant?

19 A. That's correct.

20 Q. Let's talk about each of those individuals.  
21 Who is Ms. Schaffer?

22 A. Tammy Schaffer was my director of labor  
23 relations at the time. And Brianna Grant was the  
24 senior manager.

25 Q. And were you sending the -- did you forward the

1 videos to them as well as the chain?

2 A. Yes, I did.

3 Q. And why did you do that?

4 A. There were a couple of reasons. One,  
5 Ms. Schaffer had asked that she be copied in and  
6 notified of any potential social media violations.  
7 Also, due to the seriousness of the content, I  
8 wanted to make sure that my bosses were aware of --  
9 of what was going on.

10 Q. Okay. And I guess maybe I didn't understand  
11 your testimony.

12 Were those the two people to whom you reported  
13 or -- is that why you call them your bosses?

14 A. Yes. So Brianna Grant was my direct boss, and  
15 then Tammy Schaffer -- Brianna reported to Tammy.

16 Q. And in your email, it looks like you have some  
17 discussion about the crux of Audrey -- Audrey  
18 participated in the Women's March in DC in January.  
19 Do you see that part of the email?

20 A. Yes.

21 Q. Where did that come from.

22 You can take it down.

23 A. That was from having conversation with  
24 Ms. Gutierrez, and also reviewing the contents of  
25 the emails -- I'm sorry, not emails -- but the

1 Facebook posts that were sent to me.

2 Q. And did you also -- did you also review  
3 Ms. Stone's complaint?

4 A. I did.

5 Q. Now, prior to being involved in the  
6 investigation, had you ever met Charlene Carter?

7 A. No.

8 Q. Had you had any experience with her?

9 A. No.

10 Q. Did you watch the videos?

11 A. I did.

12 Q. Where were you when you watched the videos?

13 A. I was at my desk in the office.

14 Q. And is that in Dallas?

15 A. Yes, it is the Southwest headquarters here in  
16 Dallas.

17 Q. Okay. What was -- what was your reaction when  
18 you watched the videos?

19 A. I felt physically ill. I had -- I had never  
20 really received anything like that. I actually -- I  
21 had to get up from my desk and exit the building.  
22 And I walked around the building several times  
23 before I came back in.

24 Q. How many laps did you do?

25 A. I think I did two. It is a pretty big



1 building.

2 Q. Talking about the corporate headquarters?

3 A. Yes.

4 Q. Do you remember what you did when you returned  
5 to your desk?

6 A. Yes. I reread the content that had been sent  
7 to me and then forwarded it to my direct leaders.

8 Q. And that is what you did in the document that  
9 we just looked at?

10 A. That's correct.

11 Q. Those leaders being Ms. Schaffer and Ms. Grant?

12 A. Yes.

13 Q. Now, I think you have done this somewhat, did  
14 you have involvement in the investigation of the  
15 complaint?

16 A. I did.

17 Q. Can you describe generally for the jury what  
18 you did in connection with the investigation, kind  
19 of the steps that you took?

20 A. Yes. Once I received the content from  
21 Ms. Gutierrez, I also went to Ms. Carter's Facebook  
22 page to verify that this content did, in fact come  
23 from that source.

24 I worked with Mr. Ed Schneider, who was  
25 Ms. Carter's base manager at the time; and then, of

1 course, reviewed all of the documents and  
2 investigations that he completed and sent to me for  
3 review.

4 Q. And what type of documents and investigations  
5 did Mr. Schneider send to you?

6 A. He sent me the fact-finding notes from  
7 Ms. Carter's fact-finding meeting, he sent me the  
8 notes from an interview that he had conducted with  
9 Ms. Audrey Stone regarding these allegations, and he  
10 sent me a synopsis of his investigation as well as  
11 his recommendation of how he thought -- what he  
12 thought the appropriate discipline would be.

13 Q. And what was that recommendation?

14 A. Termination.

15 THE COURT: Hold on. There was a hearsay  
16 objection.

17 MR. HILL: Yes.

18 THE COURT: I will overrule that.

19 BY MR. McKEEBY:

20 Q. It means you can answer.

21 A. He recommended termination of employment for  
22 Ms. Carter.

23 Q. We will get back to that.

24 Did you review Ms. Carter's flight records in  
25 connection with your investigation?

1 A. Yes, I did.

2 Q. Why did you do that?

3 A. Because that was standard practice in any  
4 investigation, would be to review the -- the file,  
5 the employee file, of the flight attendant for the  
6 previous 18 months of active duty, as well as their  
7 attendance records.

8 Q. And what did your -- what did your review of  
9 those attendance records reveal with respect to  
10 Ms. Carter?

11 A. I found that Ms. Carter had not worked much  
12 during the previous three years.

13 Q. Was that significant at all or not?

14 A. Well, it is not unheard of for flight  
15 attendants to retain their employment, but give away  
16 their trips. But I thought it was significant that  
17 Ms. Carter said that she loved her job, wanted to  
18 keep her job, but it appeared that she really didn't  
19 work very often.

20 MR. McKEEBY: Let's pull Exhibit 44. And  
21 Southwest would move to admit Exhibit 44.

22 MR. HILL: No objection.

23 MR. GREENFIELD: No objection.

24 THE COURT: Okay. Forty-four is in. You  
25 can publish.

1 (The referred-to document was admitted in  
2 Evidence as Trial Exhibit 44.)

3 BY MR. MCKEEBY:

4 Q. So are these the -- I know this is one page --  
5 but are these the flight records that you  
6 referenced?

7 A. Yes.

8 Q. So I will tell you that this exhibit has, well,  
9 several pages. But I would like you to kind of walk  
10 through the jury so that they can understand the  
11 documents -- or the document and what it means. Is  
12 this for, like, a particular month?

13 A. Yes. So if you look at the top left of the  
14 document, you can see that the employee is Charlene  
15 Carter, with her employee number, and she was based  
16 in Denver.

17 And then just underneath that, in blue, it says  
18 January 17, that is January of 2017.

19 If you continue across from where it says  
20 "January 17th," you will see the original credit was  
21 supposed to be 92.4 trips. That is approximately  
22 92 hours of flying time.

23 The projected was 0. And that is because, if  
24 you look at the actual calendar page itself, you  
25 will see that there is nothing on any of those

1 dates. That shows that Ms. Carter did not fly any  
2 trips during the month of January in 2017.

3 Q. Okay. Why don't we go to the next page, 44.2.  
4 And what I will do is walk through 2016, and if the  
5 jury is interested, I will let them go through the  
6 remainder of the document.

7 What does it say -- for what is this document,  
8 44.2?

9 A. This is February of 2017. Her original trips  
10 that she was assigned were -- had a credit of 84.8  
11 trips. However, she did not fly anything during the  
12 month of February of 2017.

13 Q. And I misspoke. I thought this was 2016.  
14 Let's go to the next page, which I think is, if I  
15 understand how you are describing these documents,  
16 44-point -- it is actually 44.4, I think, if I'm  
17 understanding how you are reading the documents, is  
18 where we start with 2016, is that correct?

19 A. Yes, that's correct.

20 So now you can see in the blue, it says  
21 January 16th, that is January of 2016.

22 Q. And what did she do during January of 2016?

23 A. She did not fly any trips during that month.

24 Q. What does the "VA" stand for?

25 A. Vacation. She had one week of vacation at the

1 end of December of 2015, and then January of 2016  
2 begins.

3 Q. Okay. And then the next page, 44.5, is that  
4 February of 2016?

5 A. Yes, it is.

6 Q. Did she take any trips during that month?

7 A. No.

8 Q. Is there another -- is that, the VA, the same  
9 for vacation?

10 A. Yes. And so up at the top where it says  
11 "Projected 26.25," that means she received pay for  
12 the vacation days during that month.

13 Q. I see.

14 MR. HILL: Objection, on the basis of  
15 optional completeness, as Mr. McKeeby skipped past  
16 what is labeled as --

17 THE COURT: Hold on. That is a speaking  
18 objection. We can come to sidebar if you want.

19 MR. HILL: No, thank you.

20 THE COURT: I will overrule, you can  
21 continue.

22 BY MR. McKEEBY:

23 Q. The next page, I think is 44.6. Is this for  
24 March of 2016?

25 A. Yes, it is.

1 Q. And how many trips did Ms. Carter take during  
2 that month?

3 A. She flew one day. If you see at the very  
4 bottom of the calendar page, March 27 has those  
5 initials on it. That would be the identifier of the  
6 trip that she flew. And she received 7.10 trips for  
7 pay.

8 Q. What are the letters next to that trip? Are  
9 those airport designations or something else?

10 A. No. It just -- it denotes the name of the  
11 line. And also, if you look at the -- where it  
12 says/FAC, she was the flight attendant in the C  
13 position, which is the designation of what her  
14 duties were on the aircraft.

15 Q. I see.

16 Okay. The next page, 44.7, appears to be April  
17 of 2016. It looks like there is more activity here.

18 How many trips did she take during April of  
19 2016?

20 A. Well, the trip that is on the top left, that  
21 actually happened in March. Then beginning  
22 April 8th, she had vacation. On April 19th and  
23 on -- no, just on April 19th. She flew a one-day  
24 trip, which means she went out somewhere and came  
25 back the same day.

1 And then it looks like on April 25th, she had a  
2 one-day trip, but called in sick for it. SLP,  
3 stands for sick leave with pay.

4 Q. I'm sorry, with pay?

5 A. Yes.

6 Q. And on 44.8, I think we are now into May. What  
7 does this show in terms of her activity during the  
8 month of May of 2016?

9 A. On May 23rd, she called in sick, and it says,  
10 SLT. That means she called in sick for training.

11 And then she had -- it looks like she left on  
12 May 26th and returned home on May 27 for a two-day  
13 trip. And the MSY that is in that rectangle  
14 underneath designates that she overnighted in  
15 New Orleans.

16 Q. And MSY is the airport designation for  
17 New Orleans?

18 A. New Orleans, yes.

19 Q. The next page is 44.9. We are up to June.  
20 What did she do in June for Southwest?

21 A. From June 8th through 14th, she had another  
22 week of vacation. And then the RTC, she took one  
23 day of recurrent training in Colorado. All flight  
24 attendants are required to do a certain number of  
25 hours of recurrent training every year.



1 Q. By the way, how is it that she's getting so  
2 much vacation, if she's not working?

3 A. Because of her seniority, her vacation would  
4 continue to accrue whether she worked or not.

5 Q. Okay.

6 Exhibit 44.10. What does this show?

7 A. That is July of 2016. And she was pulled from  
8 a trip on July 9th, 10th and 11th for jury duty.

9 Q. Okay. So did she fly at all during that month?

10 A. No, she did not.

11 Q. What about the next page, 44.11, which looks  
12 like August of 2016, did she fly during that month?

13 A. No. She had a week of vacation time, but no  
14 flying.

15 Q. And the next page is 44.12. What about this  
16 month? What do those entries indicate?

17 A. She did not fly any trips during the month of  
18 September. On September 1st, there is a designation  
19 JS2. That means she job shared with another flight  
20 attendant. So the Collective Bargaining Agreement  
21 gives flight attendants the ability to bid for one  
22 month's block of flying time, but split it with  
23 another person.

24 So one of them would be responsible for the  
25 first half of the month of trips and the other one

1 for the second half of the month of trips.

2 Q. So do these entries indicate actual flying time  
3 by Ms. Carter?

4 A. There is no flying time in the month of  
5 September.

6 Q. What about October, on page 44.13? Is there  
7 any flying time for Ms. Carter during that month?

8 A. No.

9 Q. Is there vacation time?

10 A. Yes, there is one week of vacation, but no  
11 actual flying.

12 Q. And 44.4 -- I'm sorry -- 14, takes us into  
13 November. Is there any activity on -- in that  
14 month?

15 A. There is no flying and no vacation in November  
16 of '16.

17 Q. And what about in December on 44.15?

18 A. There is no flying in December.

19 MR. McKEEBY: Okay. You can take that  
20 down.

21 BY MR. McKEEBY:

22 Q. I think earlier you indicated that one of the  
23 things that you did in connection with your role in  
24 the investigation was to review Ms. Carter's  
25 Facebook page? Did I understand that correctly?

1 A. Yes.

2 Q. What was your purpose in doing so?

3 A. One, I wanted to see -- to verify that the  
4 screen shots and videos that had been sent to me  
5 actually came from Ms. Carter's Facebook page.  
6 Also, to see if she had identified herself as a  
7 flight attendant on her Facebook page, a Southwest  
8 Airlines flight attendant.

9 Q. And why was that important?

10 A. Because that would create a nexus to the  
11 workplace.

12 Q. Let me direct your attention to Exhibit 90, 90,  
13 which I think is already in evidence.

14 MR. McKEEBY: Is that correct, your Honor?

15 THE COURT: That's correct.

16 BY MR. McKEEBY:

17 Q. Exhibit 90 has already been published to the  
18 jury. What is this document?

19 A. This is a document that originated from Denise  
20 Gutierrez, and then I forwarded it to my leaders,  
21 Tammy Schaffer and Brianna Grant.

22 I sent them the -- the videos and posts that  
23 Ms. Gutierrez had sent to me.

24 In addition, I attached some posts that I  
25 had -- some screen shots that I had taken from

1 Facebook that showed the connection between that  
2 Ms. Carter's Facebook page and her being identified  
3 as a Southwest Airlines flight attendant.

4 Q. And where did you do that? Is that something  
5 that you did -- are those the attachments?

6 A. Yes.

7 Q. I'm sorry. What are those -- what did you  
8 understand those attachments to be?

9 A. Off the top of my head, there were photos of  
10 Ms. Carter in her Southwest Airlines uniform, there  
11 were -- there was a photo of her, I believe she was  
12 in street clothes, with her Southwest Airlines ID  
13 around her neck. And I think there were multiple  
14 photos of her in the uniform and on the Southwest  
15 Airlines's aircraft.

16 Q. And is that what you mean by the phrase "nexus"  
17 in this email -- and I think you mentioned it in  
18 your testimony today?

19 A. Yes.

20 Q. And why was that important to Southwest?

21 A. Because part of the social media policy also  
22 specifies that the -- and it is in the mission  
23 statement, I believe -- that the public image that a  
24 flight attendant projects can enhance or harm the  
25 public image of Southwest Airlines.

1 Q. How would it enhance or harm the public image  
2 of Southwest Airlines?

3 A. Well, specific to Ms. Carter, she had the  
4 abortion videos on her Facebook page. So that could  
5 be very offensive to any customers who were viewing  
6 those posts.

7 Q. I would like to spend a little bit of time  
8 talking about some of the policies that you  
9 referenced.

10 MR. McKEEBY: Can we go to Exhibit No. 11?

11 BY MR. McKEEBY:

12 Q. Do you recognize this document?

13 A. Yes.

14 MR. McKEEBY: I would like to move -- or  
15 Southwest would move for the admission of  
16 Exhibit 11.

17 MR. HILL: Objection, relevance.

18 THE COURT: All right. I'm looking. All  
19 right. Anything from the union?

20 MR. GREENFIELD: No objection.

21 THE COURT: I will overrule that, and  
22 admit 11. You can publish.

23 (The referred-to document was admitted in  
24 Evidence as Trial Exhibit 11.)  
25

1 BY MR. McKEEBY:

2 Q. Can you explain to the jury what this document  
3 is?

4 A. Yes, this is a page from the flight attendant  
5 manual. And it is a copy of the Southwest Airlines  
6 mission statement.

7 Q. And can you generally describe the mission  
8 statement?

9 A. Yes. The beginning of the mission statement  
10 discusses that we are dedicated to the highest  
11 quality of customer service. The second paragraph  
12 is specific to external customers. It talk -- well,  
13 actually, the second paragraph, it states here, that  
14 it is displayed in many different places.

15 And I think that the part that was specifically  
16 pertinent to Ms. Carter's case is the last paragraph  
17 here that says, we are committed to provide our  
18 employees a stable work environment. And then, when  
19 you go down to the last line, it states, above all,  
20 employees will be provided the same concern, respect  
21 and caring attitude within the organization that  
22 they are expected to share externally with every  
23 Southwest customer.

24 Q. And why was that particularly pertinent to  
25 Ms. Carter's situation?

1 A. Because the allegations that were brought  
2 against her were of one employee reporting that she  
3 had not been treated with respect or care, that she  
4 had been attacked verbally.

5 Q. Now, my understanding, and I think you  
6 mentioned, is that Ms. Stone was the president of  
7 the Union at the time. Is that correct?

8 A. Yes.

9 Q. Did that matter to you in connection with your  
10 role in the investigation?

11 A. No. It did not. Ms. Carter --

12 Q. Why not? Why not?

13 A. Ms. Carter was first and foremost an employee  
14 of Southwest Airlines.

15 Q. Did you Ms. Stone?

16 A. I'm sorry, Ms. Stone.

17 As well as Ms. Carter. But Ms. Stone was first  
18 and foremost an employee of Southwest Airlines. And  
19 it says right there, we are committed to provide our  
20 employees, not just one or two, but all of them.

21 Q. And how do employees at Southwest Airlines have  
22 access to this mission statement?

23 A. The mission statement is posted in multiple  
24 places. It is posted in, of course, all of our  
25 headquarters, at the different locations where --

1 where we fly, in the flight attendant lounges. And  
2 also it is -- this specific copy of the document is  
3 found in the flight attendant annual, and each  
4 flight attendant is required to carry that manual  
5 with them.

6 Q. Okay. Carry it with them on the flights?

7 A. Yes.

8 Q. Let's go to trial Exhibit 7.

9 What is --

10 MR. McKEEBY: Well, first of all,  
11 Southwest moves to admit Trial Exhibit 7.

12 MR. HILL: No objection.

13 THE COURT: No objection to 7.

14 MR. HILL: No objection.

15 MR. GREENFIELD: No objection.

16 THE COURT: Seven is in.

17 You can publish.

18 (The referred-to document was admitted in  
19 Evidence as Trial Exhibit 7.)

20 BY MR. McKEEBY:

21 Q. What is this? Explain to the jury what this  
22 document is.

23 A. This is Southwest Airlines' policy concerning  
24 harassment, sexual harassment, discrimination and  
25 retaliation.



1 And basically, it outlines what is and is not  
2 acceptable, as well as giving some examples of  
3 unacceptable behavior concerning harassment, sexual  
4 harassment, discrimination and retaliation.

5 Q. Was this policy implicated in your  
6 investigation of Ms. Carter's situation?

7 A. Yes, it was.

8 Q. How so?

9 A. There were -- were multiple ways. There were  
10 certain screen shots that were sent that were of a  
11 sexually offensive nature. There were also what  
12 Ms. Stone perceived to be as threats that Ms. Carter  
13 sent to her. And the content of the videos was  
14 harassing and intimidating.

15 Q. The first thing that you mentioned were the --  
16 was that the vagina hats?

17 A. Yes.

18 MR. McKEEBY: Can you pull up Exhibit 47?

19 BY MR. McKEEBY:

20 Q. Is this what you were talking about?

21 A. Yes, it was.

22 Q. And why was that potentially implicating the  
23 policy that we just spoke about?

24 A. Well, it is sexually harassing, it is sexually  
25 explicit. Even though they are hats, they are

1 intended to look like a woman's vagina.

2 Q. And how do employees at Southwest have access  
3 to the -- trial Exhibit 7, the harassment, sexual  
4 harassment and discrimination policy?

5 MR. McKEEBY: You can pull that down.

6 THE WITNESS: All employees have access to  
7 it on SWA life, which is our intranet, and then  
8 flight attendants also have a copy of the policy in  
9 their manual.

10 BY MR. McKEEBY:

11 Q. What is the concept of cyberbullying?

12 A. The concept of cyberbullying would be bullying  
13 of one employee to another by the use of social  
14 media.

15 Q. Did you believe that concept was implicated in  
16 connection with Ms. Stone's complaint about  
17 Ms. Carter?

18 A. Yes, I did.

19 Q. How so?

20 A. Because the complaints that -- or the videos  
21 and text messages and other documents that  
22 Ms. Carter sent to Ms. Stone were done via, I  
23 believe, Facebook instant messaging.

24 MR. McKEEBY: And at this time, we would  
25 like to pull but not publish Exhibit 147.

1 MR. HILL: Objection. Same objection we  
2 already stated.

3 THE COURT: Understood. Are you wanting  
4 to show the witness or admit it into evidence?

5 MR. McKEEBY: I would like to just show it  
6 to the witness.

7 THE COURT: Okay. You can show it to the  
8 witness.

9 BY MR. McKEEBY:

10 Q. What is this document?

11 MR. HILL: Objection, testifying from a  
12 document.

13 THE COURT: Sidebar.

14 (Thereupon, the following proceedings were  
15 had at sidebar:)

16 THE COURT: All right.

17 MR. HILL: He's seeking to get the  
18 document in through testimony instead of through the  
19 document itself. We have already got the bullying  
20 policy that was in place at the time that Southwest  
21 submitted. That is the bullying policy they have go  
22 to work from. He can't sideline this by getting  
23 this other policy in through testimony.

24 MR. McKEEBY: I'm not going to have her  
25 testify as to the contents. I'm just going to have

1 her describe the document, and I'm going to go to  
2 the other document.

3 THE COURT: All right. I think that is  
4 fine.

5 (Thereupon, the sidebar was concluded and  
6 the following proceedings were held in open  
7 court:)

8 THE COURT: Okay. You can proceed.

9 BY MR. McKEEBY:

10 Q. Can you describe this document?

11 A. Yes. This is a portion of a policy. At the  
12 very top of that page, it states, guidelines for  
13 employees, the policy and procedure handbook.

14 This is the handbook that is published on SWA  
15 Life, our intranet, that all employees have access  
16 to. And it -- it has a copy of the workplace  
17 bullying and hazing policy.

18 Q. And can you tell when this policy was  
19 implemented -- or when this version of the policy  
20 was put in place?

21 A. Yes. So --

22 MR. HILL: Objection, same objection.

23 THE COURT: I will sustain this one.

24 MR. McKEEBY: Let's pull Exhibit 13,  
25 please.

1 THE COURT: It is in. We can publish.

2 BY MR. MCKEEBY:

3 Q. What is this document?

4 A. This is an older version of the workplace  
5 bullying and hazing policy.

6 Q. How do you know it is an older vision?

7 A. Because the revised date is older than the last  
8 document that we just saw.

9 Q. And apart from the language of the policy, can  
10 you just generally describe to the jury what  
11 Southwest's policy is with respect to bullying and  
12 hazing?

13 A. Yes. It will not be tolerated in the  
14 workplace.

15 Q. How do employees have access to this policy?

16 A. It is available on SWA Life.

17 Q. Again, remind me what S W A life is?

18 A. The internal -- it is the intranet. So our  
19 internal internet.

20 Q. Who has access to that?

21 A. Every employee has access to it.

22 Q. You weren't here, but there was some testimony  
23 about the fact that this is a workplace bullying and  
24 hazing policy.

25 Do you see that?

1 A. Yes.

2 Q. What does "workplace" mean in that context?

3 A. Anything that is associated with work, or the  
4 employees of Southwest Airlines.

5 Q. Well, what if an employee sends a threatening  
6 message to another employee while they are at home,  
7 not on a plane or not working, but to a co-employee  
8 while they are home, does that implicate this policy  
9 in your view?

10 A. Absolutely. In fact, especially in the case of  
11 flight attendants, they are a very different  
12 workforce. They don't have an office. Their office  
13 is on the plane or at the hotel. Many times they  
14 are conducting work-like bidding for their trips  
15 from home. And the way that many flight attendants  
16 choose to stay connected is through social media.

17 When it is one -- one employee to another, they  
18 are still coworkers, whether they are physically on  
19 the aircraft or not.

20 Q. And in your investigation of Ms. Carter's case,  
21 did you come to any conclusion as to whether or not  
22 Ms. Carter violated Southwest's bullying and hazing  
23 policy?

24 A. Yes. I agreed with Mr. Schneider that this  
25 policy had been violated.

1 MR. McKEEBY: Let's go to Exhibit No. 9,  
2 which I don't think has been published. But  
3 Southwest would move to admit trial Exhibit No. 9.

4 THE COURT: All right. Any objection to  
5 No. 9?

6 MR. HILL: No objection.

7 MR. GREENFIELD: No objection, your Honor.

8 THE COURT: Nine is in.

9 You can publish.

10 (The referred-to document was admitted in  
11 Evidence as Trial Exhibit 9.)

12 BY MR. McKEEBY:

13 Q. Can you explain to the jury what this document  
14 is?

15 A. Yes, this is are the Southwest Airlines  
16 employee social media policy.

17 It outlines some -- well, first of all, it  
18 gives the expectations of our employees. And you  
19 can see in the second paragraph, the italicized area  
20 talks about the content that is in any way later  
21 related to Southwest, reflects poorly upon Southwest  
22 or impacts the workplace is a violation of the  
23 policy, and may result in discipline up to and  
24 including termination.

25 The document goes on to give some examples of

1 what is prohibited, and then some examples of social  
2 media content that is acceptable.

3 Q. Okay. What would be -- what are the  
4 consequences of violating this policy by an  
5 employee?

6 A. That it could result in discipline up to and  
7 including termination.

8 Q. And I didn't ask you that question in  
9 connection with the previous document, the workplace  
10 bullying and hazing policy. What were the potential  
11 consequences of violating that policy?

12 A. Potential discipline up to and including  
13 termination.

14 Q. Now, does Southwest monitor, independent of any  
15 complaint -- you indicated that you reviewed  
16 Ms. Carter's Facebook posts, but does Southwest  
17 monitor employee Facebook accounts? Pages, I guess?

18 A. No. Not without some complaint being brought  
19 against an individual.

20 Q. In the section towards the bottom that says,  
21 monitoring and reporting prohibited conduct, there  
22 is language in the second sentence about what  
23 employees should do when they become aware of social  
24 media content of a certain nature.

25 What should employees do?



1 A. It states that they should promptly and  
2 accurately report such content to Southwest's social  
3 media team.

4 Q. And does Southwest have the expectation that  
5 employees will do that?

6 A. Yes.

7 Q. And I forgot to ask you, how was this policy  
8 made available to Southwest's employees?

9 A. It is available on SWA Life, the intranet.

10 Q. And did you come to an assessment as to whether  
11 or not Ms. Carter's conduct violated this policy?

12 A. Yes. I agreed that her conduct did violate the  
13 social media policy.

14 Q. What are read before fly memorandums?

15 A. Those are memos that are published with content  
16 that is specific to the flight attendant workforce.  
17 They are required to read all new read before flies  
18 or RBFs, is the abbreviation for them, prior to  
19 flying any trips.

20 BY MR. McKEEBY:

21 Q. And has Southwest published those read before  
22 fly memorandums regarding its social media policy?

23 A. Yes, they have.

24 Q. If you will go to Exhibit 16.

25 Is that one of those read before fly

1 memorandums?

2 A. Yes.

3 MR. McKEEBY: Southwest moves to admit  
4 Trial Exhibit 16.

5 THE COURT: No objection.

6 MR. GREENFIELD: No objection.

7 THE COURT: Sixteen is in.

8 You can publish.

9 (The referred-to document was admitted in  
10 Evidence as Trial Exhibit 16.)

11 BY MR. McKEEBY:

12 Q. So what does this say about Southwest's social  
13 media policy? It looks like an older document,  
14 January of 2013.

15 A. It is an older document. As you said,  
16 January 11th of 2013, and it states that the social  
17 media policy was introduced and is applicable to all  
18 Southwest employees, including members of the Board  
19 of Directors and contractors.

20 It tells employees to familiarize themselves  
21 with the policy, and puts them on notice that  
22 mandatory acceptance of the policy would be required  
23 beginning the 16th of January, in 2013.

24 Finally, it gives the -- well, actually, these  
25 are specific to flight attendants, so it gives the

1 flight attendants the pathway to follow in order to  
2 be able to find the entire social media policy.

3 Q. And so maybe you said this and I missed it, but  
4 to whom are these types of memorandums issued to?

5 A. Read before flies are specific to the flight  
6 attendant work group.

7 Q. Okay.

8 And how are they distributed?

9 A. I believe at the time that this one was  
10 distributed, they were still paper copies. And the  
11 books of memos were kept in each flight attendant  
12 lounge. And then eventually we went electronic, and  
13 they were all delivered electronically.

14 MR. McKEEBY: Thank you. You can take  
15 that down now.

16 BY MR. McKEEBY

17 Q. Did you make the decision to terminate  
18 Ms. Carter's employment at Southwest?

19 A. No, I did not.

20 Q. Did you -- do you have a sense of who did?

21 A. Yes.

22 Q. And who was that?

23 A. Mr. Ed Schneider.

24 Q. And did you consult with him in connection with  
25 your perspective on that decision?

1 A. Yes, I did.

2 Q. Can you explain to the jury what that involved?

3 A. Yes. As I stated earlier, Mr. Schneider sent  
4 me all of the information that he had gathered  
5 during his investigation, as well as all of the  
6 documents he reviewed, the different department  
7 representatives that he had consulted with and his  
8 recommendation for termination of employment.

9 Q. And did you agree with that recommendation?

10 A. Yes.

11 Q. Why?

12 A. Because I believed that Ms. Carter's behavior  
13 had violated multiple company policies. I reviewed  
14 our case history of other cases that had similar  
15 violations, and I determined that what his  
16 recommendation was, was in line with what we had and  
17 consistent with what -- what discipline had been  
18 issued in other similar cases.

19 Q. Ms. Emlet, are you a religious person?

20 A. I am.

21 Q. What are your personal views regarding  
22 abortion?

23 MR. HILL: Objection, relevance.

24 THE COURT: I will sustain that.

25 MR. McKEEBY: Your Honor, sidebar.

1 (Thereupon, the following proceedings were  
2 had at sidebar:)

3 THE COURT: She wasn't the terminator.

4 MR. McKEEBY: She consulted. She  
5 consulted and had input with Mr. Schneider, so I  
6 think her views are relevant. And that is part of  
7 the motion in limine ruling that you issued about  
8 perspectives of others that were involved in the  
9 process, so I should be able to ask her that.

10 THE COURT: Response.

11 MR. HILL: In addition to being in  
12 admissible, it is irrelevant because her religious  
13 views aren't impactful on whether she made this --  
14 whether she recommended this decision or approved  
15 this decision.

16 It is also a 404 issue, character. They  
17 are trying to say that she wouldn't have issued --  
18 she wouldn't have done what she did, if not for her  
19 character. She wouldn't have done something in  
20 conformance with her character, by establishing  
21 these character questions of her religion and her  
22 assistance on abortion.

23 THE COURT: Response to 404.

24 MR. McKEEBY: I just don't think that is  
25 why it is being used at all. I mean, it is set

1 forth in our motion in limine. And I think her  
2 perspective and beliefs are relevant to the ultimate  
3 decision because she had some role in communicating  
4 and consulting with Mr. Schneider.

5 THE COURT: Yeah, I think it is relevant,  
6 but only because she had a consulting role.

7 MR. McKEEBY: I'm not going to ask every  
8 witness --

9 THE COURT: Yeah, I think it's off limits.  
10 So I get your objection. I will overrule it for  
11 this witness.

12 (Thereupon, the sidebar was concluded and  
13 the following proceedings were held in open  
14 court:)

15 THE COURT: Okay. You can reask that  
16 question.

17 BY MR. McKEEBY:

18 Q. Ms. Emlet what are your personal views  
19 regarding abortion?

20 A. I believe that abortion is wrong and I am pro  
21 life.

22 Q. What is the U.S. Conference of Catholic  
23 Bishops?

24 A. It is a collection of Catholic bishops that --  
25 they confer on different issues that are pertinent

1 to the Catholic church.

2 I happen to have a connection with them because  
3 they send emails, monthly emails. I belong to a --  
4 a universal prayer group that prays about pro life  
5 issues.

6 Q. What -- Ms. Carter, in this case, has said that  
7 she sent those videos as an expression of her -- the  
8 videos to Ms. Stone as an expression of her  
9 religious beliefs.

10 Do you have a reaction to that?

11 MR. HILL: Objection, relevance.

12 THE COURT: I will allow that.

13 THE WITNESS: I can understand how those  
14 videos might reflect what Ms. Carter believes about  
15 abortion, but I don't know how they connect to her  
16 religious beliefs or why that would be something  
17 that she would share with Ms. Stone.

18 MR. McKEEBY: Pass the witness, your  
19 Honor.

20 THE COURT: All right. Mr. Greenfield.

21 CROSS-EXAMINATION

22 BY MR. GREENFIELD:

23 Q. Good afternoon, Ms. Emlet.

24 A. Good afternoon.

25 Q. My name is Adam Greenfield, and I'm one of the

1 attorneys who represents the union in this matter.

2 I have a few questions for you.

3 Do employees lose their rights at Southwest  
4 Airlines when they become union members?

5 A. No. As a matter of fact, being a union member  
6 generally gives them additional protection over  
7 their personal work rights.

8 Q. Did Audrey Stone lose her rights at Southwest  
9 Airlines to be free from harassment when she became  
10 the union president?

11 A. Absolutely not.

12 Q. Can you tell the jury a little bit about, in  
13 your role, your duty to investigate, if any,  
14 complaints?

15 MR. HILL: Objection, calls for a legal  
16 conclusion.

17 THE COURT: Overruled. You can answer.

18 THE WITNESS: Prior to becoming a labor  
19 relations manager, I was a base manager for many  
20 years. And in that role, I -- I would be involved  
21 in investigating cases when allegations were brought  
22 against flight attendants.

23 As a labor relations manager, my role was  
24 to work with the base leaders and ensure that --  
25 that we were applying the contract consistently, the



1 way that the contract was intended to be applied.

2 And also, that company policies were being followed.

3 BY MR. GREENFIELD:

4 Q. Do you understand there to be any ramifications  
5 if you failed to investigate a complaint?

6 A. Certainly. First of all, it would -- it would  
7 create disparate treatment. There could be legal  
8 implications if a complaint was brought forward and  
9 we did not investigate.

10 But also, it would have a terrible impact on  
11 the rest of the workforce, when they see that some  
12 people get away some things and other people are  
13 held accountable. We never know whether there is an  
14 actual violation, until we complete an  
15 investigation.

16 Q. Based on your experience, would you have feared  
17 potential legal ramifications from Ms. Stone, if you  
18 had not investigated her complaints?

19 A. My involvement didn't really involve fear of  
20 legal ramifications. My involvement was earlier on  
21 in the investigation, usually, and was more focused  
22 on what are we doing in accordance with the  
23 Southwest policies, the Collective Bargaining  
24 Agreement.

25 And then, if it goes further from there, are

1 there any -- any legal ramifications? For instance,  
2 if Ms. Stone brought forward allegations of sexual  
3 abuse or violation. That then gets into the legal  
4 territory. But I'm not an attorney, so --

5 Q. I understand. Thank you, Ms. Emlet.

6 You mentioned policies.

7 Are you aware of any annual acknowledgement  
8 requirement by flight attendants pertaining to  
9 policies?

10 A. Yes.

11 Q. Can you describe what that is to the jury?

12 A. Yes. I would need to see the documents to tell  
13 you exactly which policies, but I know that every  
14 year, the flight attendants are required to -- they  
15 are sent a notice via their laptops -- iPads that  
16 they are issued, and the notice is to say that they  
17 have read and agreed to comply with the different  
18 policies, including the social media policy and I  
19 believe the discrimination policy.

20 Q. Are flight attendants allowed to continue  
21 flying if they don't acknowledge those policies and  
22 policy updates?

23 A. They are not.

24 Q. So in order for Ms. Carter to continue to fly,  
25 she would have acknowledged the cyberbullying

1 policy, is that correct?

2 A. That's correct.

3 Q. Did the union exert any undue or unwanted  
4 pressure during your investigation of Ms. Stone's  
5 complaints against Ms. Carter?

6 A. No.

7 Q. Did the union exert any undue or unwanted  
8 pressure in the decision to terminate Ms. Carter?

9 A. No.

10 MR. McKEEBY: Pass the witness.

11 THE COURT: All right.

12 MR. HILL: We don't have anything.

13 THE COURT: What's that?

14 MR. HILL: We don't have anything.

15 THE COURT: Okay. So there is no need for  
16 a round two with this witness.

17 MR. McKEEBY: I do have one question.

18 THE COURT: Based on his?

19 MR. McKEEBY: No. I will do it with  
20 another witness.

21 THE COURT: That works. So you are  
22 excused as a witness. Congratulations. Thank you  
23 for your testimony.

24 THE WITNESS: Thank you.

25 THE COURT: Who do you plan to call next,

1 Mr. McKeeby?

2 MR. McKEEBY: I plan to call Ms. Hudson  
3 next.

4 THE COURT: Okay. You may do so --  
5 actually, why don't we take a break while you  
6 resituate. We will take our last break of the  
7 afternoon.

8 Same instructions: You can only talk to  
9 your fellow jurors and court personnel, just not  
10 about the case; can't talk to anyone else; and don't  
11 do any research about the case. We will see you in  
12 10 minutes at 3:40. All rise.

13 (The jurors exited the courtroom.)

14 MR. McKEEBY: Housekeeping question, may  
15 mass Ms. Emlet be excused? She's --

16 THE COURT: Yes. Yes. Any objections to  
17 cutting her loose?

18 MR. HILL: No objection.

19 THE COURT: Okay. Let's cut her loose.  
20 That is fine. And then if you want Ms. Hudson to be  
21 on the stand at the end of the break, that's fine  
22 too.

23 So we will be back here at 3:40 with  
24 Hudson on the stand, you can be at the podium, and  
25 we will rock and roll. Thank you. See you in nine

1 minutes.

2 (Recess.)

3 THE COURT SECURITY OFFICER: All rise.

4 THE COURT: Anything before we get the  
5 jury?

6 MR. GILLIAM: No.

7 THE COURT: Okay. Ms. Hudson, welcome.

8 Once they come in, then we will have you stand up,  
9 and then Mr. Frye is going to give you the oath.

10 THE WITNESS: Okay.

11 (The jurors entered the courtroom.)

12 THE COURT: Okay. You can be seated.

13 Mr. McKeeby, you called your next witness  
14 already. Can you tell the jury her name?

15 MR. McKEEBY: Naomi Hudson.

16 THE COURT: Okay. Ms. Hudson, can you  
17 raise your right hand, and Mr. Frye will swear you  
18 in.

19 (NAOMI HUDSON was duly sworn by the  
20 Clerk.)

21 THE COURT: Now you can take a seat. And  
22 then I will say the same thing I do to every  
23 witness, I'm just going to ask for some space  
24 between questions from lawyers and your answers, and  
25 then some space that they give you between your

1 answers and their questions. That way, if there is  
2 an objection, I can rule on the objection before you  
3 launch into an answer.

4 THE WITNESS: Okay.

5 THE COURT: You can proceed, Mr. McKeeby.

6 MR. MCKEEBY: Thank you.

7 DIRECT EXAMINATION

8 BY MR. MCKEEBY:

9 Q. Can you state your full name for the jury  
10 please?

11 A. Naomi Hudson.

12 Q. Where do you live, Mr. Hudson?

13 A. Carrollton, Texas.

14 Q. Are you currently employed?

15 A. I am not.

16 Q. Where were you previously employed?

17 A. Southwest Airlines.

18 Q. How long have you been retired?

19 A. Two-and-a-half years.

20 Q. I said retired. Maybe I shouldn't assume that.  
21 Are you retired?

22 A. I am retired.

23 Q. What did you do prior to your retirement at  
24 Southwest Airlines?

25 A. Twenty-eight years at Southwest Airlines. And

1 my most recent position was a senior advisor. But  
2 immediately prior to that, I was senior director of  
3 labor relations, including of the flight attendant  
4 work group, we call it in flight services or cabin  
5 services.

6 Q. And was that your position, senior director of  
7 labor relations -- excuse me -- in February of 2017?

8 A. Yes.

9 Q. And can you explain to the jury what you did as  
10 the senior director of labor relations?

11 A. Yes.

12 Q. What was your job?

13 A. I will.

14 Well, I was responsible for -- as the lead  
15 negotiator for Collective Bargaining Agreement. And  
16 that is our contract, our work group contract with  
17 our flight attendants. I represented Southwest  
18 Airlines of the negotiating team as a lead. I also  
19 oversaw the grievance -- any grievance process that  
20 had to do with disputes between the company and the  
21 union, any grievances filed typically by the union  
22 against the company for either contractual  
23 provisions or for discipline, up and including  
24 termination.

25 I was the liaison and spokesperson for our

1 company in that particular regard, to make sure that  
2 we addressed the grievances timely, in accordance to  
3 our contract.

4 And what else did I do? I oversaw a team of  
5 people that were responsible for the daily operation  
6 of the administration of the contract. And I was a  
7 company liaison between various work groups  
8 responsible for -- by work groups, I mean different  
9 divisions within the company that had questions  
10 regarding our flight attendants and whether or not  
11 we could propose certain things for them to do. So  
12 we interpreted the contract for our company.

13 Q. The jury heard testimony before you from  
14 Maureen Emlet. Do you know Ms. Emlet?

15 A. I do.

16 Q. And what was her relationship professionally  
17 with you in February of 2017? Did she report to  
18 you?

19 A. Yes. I'm trying to remember the dates, because  
20 I went back and forth.

21 But in that time period, she would have -- she  
22 was a manager, under my responsibilities. But her  
23 immediate boss would have been the director, and the  
24 director reported to me. So Maureen was one of my  
25 managers.



1 MR. McKEEBY: Okay. Let me pull up  
2 Exhibit 66, which is in evidence.

3 MR. PRYOR: It is not on the list of  
4 exhibits, object --

5 THE COURT: Sixty-six is in already.

6 MR. PRYOR: I thought we were supposed to  
7 reveal the exhibits we were using --

8 THE COURT: Sidebar, please.

9 MR. PRYOR: If that is not the case, I'll  
10 withdraw.

11 THE COURT: Okay. If it is already in, I  
12 will let anyone talk about it.

13 MR. PRYOR: Okay.

14 BY MR. McKEEBY:

15 Q. Do you believe you are the same Naomi Hudson  
16 who is listed on this email?

17 A. Yes.

18 Q. Do you remember getting this email?

19 A. Didn't know I needed to bring my cheaters, but  
20 hold on.

21 Q. Okay. Sorry.

22 THE COURT: Thank you.

23 BY MR. McKEEBY

24 Q. We have some assistance for you.

25 A. Thank goodness.

1 Yes.

2 Q. And yes, you remember seeing this?

3 A. Yes, I do. I'm sorry.

4 Q. Now, did you know -- I take it you knew

5 Ms. Stone prior to receiving the email?

6 A. Yes.

7 Q. And did you know Ms. Carter, who is in the  
8 courtroom today, the person about whom Stone was  
9 complaining?

10 A. No, I'm afraid I didn't.

11 Q. Okay.

12 Now, what actions would you have taken in  
13 response to getting an email like this?

14 A. Well, this type of -- and I recall it, I don't  
15 remember the full context of this particular email,  
16 but I do know that this is a complaint about  
17 potential harassment and such.

18 And so we have another division within  
19 Southwest Airlines that conducts investigations for  
20 these types of -- for this type of activity --  
21 potential activity or alleged activity. And so I  
22 would ensure that it is referred to them, in  
23 addition that somebody from my team -- for example,  
24 in Maureen's position -- that was aware of it, so  
25 they can ensure that we are within our time frames?

1 Again, as outlined in our Collective Bargaining  
2 Agreement. But we would -- I would make sure that  
3 the appropriate folks saw and were aware of this  
4 complaint.

5 Q. And by "appropriate folks," you mean people in  
6 departments or --

7 A. Yes. The employee relations department, as  
8 well as they call -- in my department, my division,  
9 not a department -- but my division, of labor  
10 relations.

11 Q. And did you consult with Ms. Emlet in  
12 connection with her involvement in this process?

13 A. I don't recall specifically talking to her. I  
14 probably did. But to be very specific, I don't  
15 remember a specific conversation with her.

16 I'm sure I did, but I don't -- I can't swear  
17 that I remember a conversation.

18 Q. All right.

19 Did you what the -- did you have occasion to  
20 watch the videos?

21 A. I did. Now, I don't know if it was two or one,  
22 but I do recall seeing a video.

23 Q. What was your reaction when you saw the video?

24 A. I was a stunned, number one, shocked. I think  
25 pretty saddened and kind of disappointed.

1 Q. Why were you saddened?

2 A. Well, we all have our views about things, and  
3 that is okay. Nobody is trying to tell somebody  
4 what to think.

5 But we have standards at Southwest Airlines,  
6 and we have -- the company ensures that we are  
7 treating each other with a measurement of respect  
8 and care, and understanding that we are all  
9 different. Diverse work group to say the least, and  
10 that is what we want.

11 So when it comes to certain things like this,  
12 such graphic, such shocking egregiousness, it is  
13 just not acceptable.

14 Q. And did you have an opinion about the decision  
15 to terminate Ms. Carter's employment?

16 A. Yes. I did have an opinion.

17 Q. What was that, what was the opinion?

18 A. The opinion is --

19 MR. PRYOR: Object to relevance, Your  
20 Honor, she wasn't -- lack of foundation, as to a  
21 decision maker.

22 THE COURT: Sustained.

23 BY MR. McKEEBY:

24 Q. Let me --

25 MR. PRYOR: And I apologize. I'm not sure

1 if an answer got in, if it did, I would move to  
2 strike.

3 THE COURT: No, it didn't.

4 MR. PRYOR: Okay. I couldn't hear.

5 BY MR. McKEEBY:

6 Q. Can you identify this document for the jury?

7 A. Yes, I can. That is a required reading. We  
8 call it read before fly at that time. I think we  
9 still -- have another term for it maybe now.

10 But it is a memo from me, it was Naomi Hudson,  
11 senior director of labor relations. And it is  
12 regarding social media behavior and policy, and is a  
13 reminder only to our -- to our flight attendant work  
14 group about the responsibilities, and our  
15 expectations as a company.

16 Q. And this looks it was issued on October 12,  
17 2016?

18 A. Yes.

19 Q. And do you recall the context of issuing this  
20 memorandum or authoring it, I guess?

21 A. Yes. Again, reminding our employees of their  
22 responsibilities. And without reading it directly,  
23 just that -- that social media is there. It is  
24 there as a tool.

25 And while we are not Pollyanna, we are not

1 blind as a company and think that everything is all  
2 roses, there is a certain line -- and there is no  
3 specific direct line -- but we all know not to just  
4 to be rude and hateful. And just remember that  
5 things that are posted on social media, no matter if  
6 they are private, they -- they are forever there and  
7 they can be passed on to others.

8 And we -- we have -- we can't allow our  
9 employees to say something to another employee that  
10 is going to impact their work life, not that, oh, I  
11 don't like your orange dress today but -- or your  
12 flowery jacket, whatever you have on today, but  
13 something just so egregious and so gross, we don't  
14 allow that type of behavior. So we are just  
15 reminding people of the policies and to definitely  
16 review the policy.

17 And if you have questions, of course, you know,  
18 we always welcome questions from our employees. But  
19 just as a reminder, that here is what -- we are  
20 seeing a lot of reports, let's cut it out.

21 Q. We are seeing a lot of reports, you said?

22 A. From various people. Yeah. That's -- that  
23 would have generated this particular memo. Not  
24 just, you know, I have nothing else to do, so I'm  
25 just, you know, write a memo because today it is

1 Wednesday, or whatever day it was. Probably  
2 Tuesday.

3 But because things are going on. And we have  
4 to remind our employees about their behavior and our  
5 expectations as a Southwest Airlines employee. When  
6 people sign up to work for Southwest Airlines -- and  
7 not a perfect company by far -- but one of the best,  
8 I'll tell you that.

9 Q. What -- go ahead. I'm sorry.

10 A. No, but I will tell you, we have expectations.  
11 We have high expectations of our employees. Just  
12 the same as our customers have high expectations of  
13 the company.

14 Q. And what are those expectations vis-a-vis  
15 employees?

16 A. Treat people courteous -- I'm sorry. Do tell  
17 me slow down, so I will do that.

18 THE COURT: It is okay.

19 THE WITNESS: Treat people with respect,  
20 right people the way you would like to be treated.  
21 And, you know, without giving the exact, but, you  
22 know, we believe in customer service, we believe in  
23 a high standard of customer service.

24 And we talk about internal customer  
25 service no matter what we are teaching. We teach it

1 in new hire, we teach it in every year recurrent  
2 training, we teach it -- not just teach it, but we  
3 talk about it, we engage our employees in what  
4 customer service is.

5 BY MR. McKEEBY:

6 Q. What does that concept of internal customer  
7 service mean?

8 A. It means that because I have a coworker, I'm  
9 not going to treat that coworker rudely. I wouldn't  
10 want anybody to treat our paying customers rudely.  
11 I am most certainly not going to treat anybody I  
12 work with rudely either. We just don't do that. It  
13 is not acceptable.

14 Q. And does this document reflect that policy,  
15 philosophy?

16 A. It refers to the -- yeah, I think it does,  
17 because southwest Airlines's policies may be found  
18 in SWA Life, and that is exactly where we keep our  
19 policies.

20 Q. Let me direct your attention to the second to  
21 last paragraph the first sentence, we must all  
22 remember.

23 A. Yeah, our mission statement. Thank you for  
24 pointing that out.

25 Q. You are welcome.



1 What is the mission statement?

2 A. It is -- I don't -- I can't quote it right now,  
3 but it is to the highest standards of customer  
4 service. We are committed to that for our  
5 customers, we are committed to that for our  
6 employees.

7 And I will tell you this, some customers -- I  
8 mean, a lot of companies have mission statements.  
9 Southwest Airlines' mission statement to our  
10 employees is equally important as it is to our  
11 paying customers. It just is.

12 And that is ingrained from the day we begin  
13 working, the day we fly. I used to be a corporate  
14 recruiter from Southwest Airlines, so I can tell you  
15 that I know that for a fact. That is engrained in  
16 applicants. And we will let them know, if this does  
17 not work out for you, this is not the right place,  
18 because these are our expectations.

19 Q. Understood.

20 I want to go up to the second paragraph, the  
21 second line, that starts with, when negative  
22 comments. This talks about being detrimental to  
23 Southwest brand, and yours as well.

24 What does that mean?

25 A. Well, you know, we put on -- a lot of people --

1 not we, I take that back -- some people on Southwest  
2 Airlines, they are proud to work for the company,  
3 they will say their position, and they sometimes put  
4 things about their work life. And that is great.  
5 And we want to promote that. We want people to know  
6 that our employees are not just the one -- the ones  
7 behind the uniform, but they are human. They have  
8 family, they have activities, travel, and all that  
9 such.

10 But when you do something so gross -- for  
11 example, this video -- and other things that are  
12 just completely gross, that is a reflection on  
13 Southwest Airlines. Even though it may be deemed  
14 initially as private, not much is very private. In  
15 fact, I'm not quite sure anything electronically is  
16 private ever. But so it is a negative brand there.

17 But then also, I think about -- and I have  
18 talked about this with some of my colleagues -- I  
19 wonder about these people that would post something  
20 so outrageous as -- I wonder if their family knows  
21 that they do this. I mean, their brand, I wonder if  
22 their members of their personal clubs or  
23 organizations that they belong to, know that this  
24 is, you know, the behavior.

25 So that is what we mean by brand, the company's

1 brand and the individual's brand.

2 Q. And by individuals, you mean employees?

3 A. Yes.

4 MR. McKEEBY: Pass the witness.

5 THE COURT: Okay. Mr. Greenfield.

6 CROSS-EXAMINATION

7 BY MR. GREENFIELD:

8 Q. Hello, Ms. Hudson.

9 A. Hello.

10 Q. My name is Adam Greenfield, and I'm one of the  
11 attorneys that represents Local 556 in this matter.

12 A. Okay.

13 Q. A few questions for you.

14 What Audrey Stone became president of the  
15 Union, did she lose her rights to be free from  
16 harassment as an employee of Southwest Airlines?

17 A. No, of course not.

18 Q. Are you aware of any instance in which the  
19 union was able to influence how Southwest Airlines  
20 conducted an investigation into an employee  
21 complaint?

22 A. No.

23 Q. Are you aware of any instance in which the  
24 union excerpted undue or unwanted that pressure in  
25 the decision of Southwest Airlines to terminate an

1 employee?

2 A. No.

3 MR. McKEEBY: Pass the witness, your  
4 Honor.

5 THE COURT: All right. Mr. Pryor.

6 MR. PRYOR: No questions, your Honor.

7 THE COURT: No questions for this witness.

8 Okay. Any questions from Southwest  
9 responsive to Mr. Greenfield's questions?

10 MR. McKEEBY: No, your Honor.

11 THE COURT: That means we are done with  
12 your testimony. Thank you for coming in. You are  
13 excused as a witness.

14 THE WITNESS: Okay, thank you.

15 THE COURT: Any issues with me excusing  
16 her as a witness?

17 MR. PRYOR: Can be excused.

18 THE COURT: You may leave the courtroom.

19 THE WITNESS: Thank you. Okay. And can I  
20 ask Southwest who the next witness is?

21 MR. McKEEBY: Yes, Ed Schneider.

22 THE COURT: Okay. You may call  
23 Mr. Schneider back.

24 (The witness exited the courtroom.)

25 (The witness entered the courtroom.)

1 THE COURT: Okay. Mr. Schneider. You can  
2 come back up here to the place you know all too  
3 well. Because I let you out as witness last time, I  
4 need to put you under oath again. So if you could  
5 stay standing, and Mr. Frye will administer the  
6 oath.

7 (ED SCHNEIDER was duly sworn by the  
8 Clerk.)

9 THE COURT: Okay. And you know the  
10 routine, I'm just asking for some space between  
11 their questions and your answers, and your answers  
12 and their questions so I can rule on objections.

13 You can continue -- well, you can start  
14 again.

15 DIRECT EXAMINATION

16 BY MR. MCKEEBY:

17 Q. Okay. I think I'm going to probably cover some  
18 stuff -- basic stuff that may have been covered  
19 initially, but can you explain who you are to the  
20 jury -- remind the jury who you are?

21 A. My name is Ed Schneider. I am one of the --  
22 the base manager for our Denver in flight team at  
23 Southwest Airlines.

24 Q. What does a base manager do?

25 A. I oversee all of the operation of our in flight

1 base, which is 2400 flight attendants that we have  
2 in our base. And I have a staff of 21 that I  
3 oversee that takes care of those flight attendants  
4 and their daily duties.

5 Q. Who are the staff of 21, what kind of employees  
6 are they?

7 A. I have 13 supervisors and five coordinators and  
8 three assistant base managers that help me run the  
9 operation.

10 Q. And I'm sorry if you -- I don't remember if you  
11 mentioned this in your description.

12 Are you specific to in flight operations?

13 A. Yes.

14 Q. So do the flight attendants who report to  
15 the -- or through the Denver base, I should say, do  
16 they report through you?

17 A. The supervisors are their immediate leader, and  
18 then they report to me, yes.

19 Q. So do you have, like, an office at the airport,  
20 or where do you go when you go to work?

21 A. Yes. It is in the C concourse where Southwest  
22 Airlines operation in the Denver base is located.

23 Q. How long have you been employed with Southwest  
24 Airlines?

25 A. It will be 28 years this month.

1 Q. And have you -- have you ever been a flight  
2 attendant with Southwest?

3 A. I have. I flew as a flight attendant for  
4 Southwest for eight and-a-half years.

5 Q. During what period of time?

6 A. 1996 to 2004.

7 Q. Excuse me.

8 During that time, were you a member of the  
9 Union while you were a flight attendant?

10 A. Yes, I was.

11 Q. What did you do before working for Southwest?

12 A. I worked for Delta Airlines, I worked in their  
13 customer service department.

14 Q. And what about prior to that?

15 A. Prior to that, I worked for the university that  
16 I went to, National University in San Diego and  
17 attended college.

18 Q. Were you in the military ever?

19 A. I was. I spent five years active duty in the  
20 military and four years reserve.

21 Q. What branch?

22 A. Navy.

23 Q. Now, I think we have established at some level  
24 that you were involved in the investigation of  
25 complaints made against Charlene Carter?

1 A. Yes.

2 Q. Now, did you know Ms. Carter prior to the  
3 investigation based on your position as base manager  
4 in Denver?

5 A. No, I did not. I was in Denver just a short  
6 time before this.

7 Q. When did you start in Denver?

8 A. January of 2017.

9 Q. And before that, where were you?

10 A. Phoenix, Arizona.

11 Q. So did you have -- had you made any impressions  
12 of Ms. Carter prior to the investigation?

13 A. Not that I'm aware of.

14 MR. McKEEBY: Let's go to Exhibit 76.  
15 This is in evidence.

16 THE COURT: It is. We have got the  
17 screens un-muted. The jury can see it.

18 MR. McKEEBY: Thank you, your Honor.

19 BY MR. McKEEBY:

20 Q. Is this email how you became aware of  
21 Ms. Stone's complaints against Ms. Carter?

22 A. Yes, part way down the email string, yes.

23 Q. And if you could remind the jury who -- looks  
24 like the original recipient of the email is Suzanne  
25 Stephenson.



1 Who is that?

2 A. She is -- she was the Las Vegas based manager  
3 at the time. And Ms. Stone was based in Las Vegas.

4 Q. And then it looks like you forwarded the email  
5 to employee relations DG, is that -- do I read that  
6 correctly?

7 A. Yes.

8 Q. Who is DG?

9 A. That is the entire employee relations group. I  
10 send it to the group and they can decide who the  
11 investigator will be in their department.

12 Q. And in your -- in your email to employee  
13 relations, you indicate the images are graphic.

14 A. Yes.

15 Q. I take it that means you had seen the video?

16 A. Yes.

17 Q. Had you seen one or two videos at that point,  
18 if you remember?

19 A. I don't recall that early in the investigation  
20 exactly when I saw both of them.

21 Q. But it appears from this that you saw at least  
22 one of the videos at this point?

23 A. Yes, that is correct.

24 Q. And at some point in the investigation, did you  
25 see both of the videos?

1 A. Yes, I did.

2 Q. And regardless of when exactly in time you saw  
3 the videos, can you explain to the jury your  
4 reaction when you -- when you viewed those?

5 A. I was very disheartened as to why someone would  
6 send these graphic images and videos to another  
7 employee at Southwest Airlines.

8 It affected me, seeing those images, and I  
9 couldn't imagine someone who may have gone through  
10 something like that, viewing them at the same time.

11 And I thought they were very disturbing.

12 Q. What do you mean someone who may have gone  
13 through something like that?

14 A. At the time, I wasn't aware if Ms. Stone would  
15 have been through something like that or could have  
16 been affected adversely by them.

17 Q. And -- and did you have -- did you know  
18 Ms. Stone prior to being involved in this case?

19 A. I did not know her. I knew she was the  
20 president of the TWU Local 556.

21 Q. Had you ever spoken to her?

22 A. No.

23 Q. What did you understand Ms. Gutierrez's role in  
24 the investigation to be?

25 A. Ms. Gutierrez is in charge of determining if a

1 harassment, sexual harassment -- any of those -- may  
2 violate one of the protected categories. And her --  
3 she will let me know if she feels that was the case.

4 Q. And did you involve any work groups other than  
5 employee relations in the investigation?

6 A. Yes. I worked with labor relations also and  
7 the human resource business partner.

8 Q. Who is the human resources business parents?

9 A. Edith Barnett.

10 Q. And what was the role of the labor -- who was  
11 the labor relations employee?

12 A. Maureen Emlet.

13 Q. Did you reach out to Ms. Emlet or did she reach  
14 out to you or do you remember?

15 A. I reached out to her.

16 Q. What was your purpose in reaching out to  
17 Ms. Emlet?

18 A. I work with labor relations on all of our cases  
19 to make sure that we are following the guidelines.

20 Q. What guidelines do you mean?

21 A. As far as giving the employee due process and  
22 making sure they have their time to share whatever  
23 information they have.

24 Q. What is the context of due process mean to you  
25 in that context?

1 A. It means that someone is given the ability to  
2 explain themselves or give details about what may or  
3 may not have happened.

4 Q. Since we are kind of on the topic, in  
5 Mr. Pryor's examination of you, there was some  
6 testimony about going back further than 18 months  
7 with respect to some of Ms. Carter's Facebook posts,  
8 do you recall that?

9 MR. PRYOR: Object to improper direct,  
10 that would have been appropriate cross-examination.

11 THE COURT: That's a speaking objection.  
12 I will allow it.

13 BY MR. McKEEBY:

14 Q. What is the significance of the 18 months?

15 A. We have rules that we cannot go back more than  
16 18 months during a look back at a person's history,  
17 to determine whether it is discipline or anything  
18 that may have happened in that time frame. We  
19 cannot go back further than 18 months.

20 Q. Meaning you can't back further than 18 months  
21 for what purpose?

22 A. For -- when we are looking at past history of  
23 discipline, or discussions, anything that may have  
24 happened with the flight attendant in the past 18  
25 years [sic]? With their work history.

1 Q. Now did that apply to the review of  
2 Ms. Carter's Facebook posts in connection with the  
3 investigation?

4 A. No, it did not.

5 Q. Explain to the jury why not.

6 A. The Facebook posts were just indicating a  
7 history of what transpired on Facebook, and that  
8 wasn't related to the investigation as far as her  
9 work history and those things.

10 Q. Now, did you interview Ms. Stone in connection  
11 with your investigation?

12 A. I did, yes.

13 Q. What do you recall about that interview?

14 A. She was affected about those images, and it --  
15 it made her feel that she was being targeted. And  
16 she brought up the history of how it transpired and  
17 things that have happened to her in the past, and  
18 the march, and those type of things that happened.

19 Q. When you say history of things that had  
20 happened to her in the past, what do you mean?

21 A. The Facebook messages that were sent to her.  
22 And kept coming over the past year and a half to two  
23 years. And she was feeling that they progressively  
24 were getting worse.

25 Q. And you said you discussed the Women's March

1 during Stone's interview. Did I understand that  
2 correctly?

3 A. Yes.

4 Q. What did Ms. Stone say about the Women's March?

5 A. She said that Ms. Carter was upset about the  
6 march.

7 Q. And did you make any assessments -- I think you  
8 alluded to this, but I want to make sure I'm  
9 clear -- any assessments during that interview with  
10 Ms. Stone on the impact of the videos on her  
11 personally?

12 A. Yes. She was devastated by them. She broke  
13 down in the discussion with it, and I could tell it  
14 affected her to a great extent. And she was very  
15 upset about it.

16 Q. And I think you said that you reviewed Carter's  
17 previous Facebook messages to Ms. Stone. Do I  
18 understand that correctly?

19 A. Yes.

20 Q. What was your purpose in reviewing those  
21 messages?

22 A. They were given to me, and I wanted to make  
23 sure that I reviewed everything that was given to me  
24 for evidence or indicating what may have happened in  
25 the past.

1 Q. Did you ask for those historical messages?

2 A. When she mentioned them, in the meeting, yes, I  
3 asked for those, if she was willing to share them.

4 Q. You asked Ms. Stone?

5 A. Yes.

6 Q. And did she share them?

7 A. Yes. She did.

8 Q. And if we go to Exhibit 94. Let's go -- just  
9 kind of flip through there, if you would.

10 Are these the --

11 THE COURT: Ninety-four is in evidence and  
12 the jury can see this.

13 MR. McKEEBY: Yes, sorry.

14 BY MR. McKEEBY:

15 Q. Are these the historical emails that you  
16 reviewed?

17 A. Yes.

18 Q. And explain to the jury to what degree you  
19 considered these emails in connection with your  
20 decision to terminate Ms. Stone's employment?

21 A. It wasn't considered to any great extent, just  
22 the history of what had transpired between  
23 Ms. Carter and Ms. Stone. And the fact that there  
24 had been prior messages sent, and it wasn't -- it  
25 didn't involve the termination decision. That was

1 all just the images and videos that were sent to  
2 Ms. Stone.

3 Q. I think you told Mr. Pryor that you regarded  
4 the emails nonetheless as harassing, is that true?

5 MR. PRYOR: I object to improper direct.  
6 He's referring to my questioning, it should have  
7 been on cross-examination.

8 THE COURT: I'll allow it.

9 BY MR. McKEEBY:

10 Q. Can you explain to the jury what you meant by  
11 that term in connection with these emails -- I'm  
12 sorry, Facebook messages?

13 MR. PRYOR: I apologize, could I get the  
14 question, I didn't hear the words used.

15 THE COURT: You can reask it.

16 MR. PRYOR: Thanks.

17 MR. McKEEBY: Can you repeat it? I'm  
18 sorry.

19 (Thereupon, the requested portion was read  
20 back by the reporter as above recorded.)

21 BY MR. McKEEBY:

22 Q. And the term I meant was harassment.

23 A. Yes. The fact that they were telling her that  
24 she's not fit to do the job, that she will be  
25 removed, and there is a group that are going to make



1 sure that she's removed from office, and the fact  
2 that it talked about her personally also, inept at  
3 her job and those type of things.

4 Q. And if you go to the first page of this  
5 document, it looks like Ms. Stone is sending this to  
6 Ms. Gutierrez?

7 A. Yes.

8 Q. And then is that you copied on the email?

9 A. Yes, it is.

10 MR. McKEEBY: Let's go to Exhibit 50. And  
11 I apologize, I think this is admitted.

12 THE COURT: I can check. Fifty is not.

13 MR. McKEEBY: Move for -- to admit  
14 Exhibit 50.

15 THE COURT: Anything on 50 from union or  
16 from Carter.

17 MR. PRYOR: It is not on their list.

18 THE COURT: All right.

19 MR. PRYOR: And I think this is  
20 duplicative of a variety of other exhibits too.

21 MR. McKEEBY: I think it is in evidence in  
22 another exhibit, and I just don't have it handy.

23 THE COURT: All right. I will let you  
24 circle back to it at the end of the testimony.

25 MR. McKEEBY: Okay. Let's go to

1 Exhibit 90.

2 THE COURT: Any objection to 90?

3 MR. PRYOR: Which exhibit? Just a moment,  
4 Your Honor.

5 THE COURT: It is in. So we are  
6 published. Sorry. You can discuss it at will.

7 BY MR. McKEEBY:

8 Q. What is Exhibit 90, Mr. Schneider?

9 A. That is an email from Denise Gutierrez  
10 initially on the string, and then Maureen Emlet  
11 indicating evidence of nexus to the workplace  
12 between Charlene Carter and Southwest.

13 Q. What does that concept mean, nexus to the  
14 workplace?

15 A. It is something where, on Facebook, a person  
16 publicly can see that the person is employed by  
17 Southwest Airlines.

18 Q. And did you access Ms. Carter's Facebook page  
19 in connection with the investigation?

20 A. I did not.

21 Q. Did you have a Facebook account?

22 A. I don't personally, no. My wife has an account  
23 and she shows me things sometimes. But that is it.

24 Q. So somebody else pulled the posts for you, I  
25 take it?

1 A. Yes, in my office.

2 Q. And what did these nexus posts show you?

3 A. One of them showed flight attendant wings with  
4 her name on it. One of them showed her in uniform  
5 next to an aircraft, Southwest aircraft.

6 And others showed, I think it was a friend of  
7 the family and her husband, possibly, in uniform.

8 And -- I'm trying to recall them all. Those are the  
9 ones I remember.

10 Q. How about let's go to I think 90.8?

11 A. Yes. That was also one of them.

12 Q. This is one of them?

13 A. Yes.

14 Q. What is the significance of this photograph?

15 A. Herb Kelleher was our CEO in the initial time  
16 with Southwest Airlines began service. And it is  
17 the Southwest colors on it, asking for Herb's -- to  
18 get his old job back.

19 Q. How does this -- does this link Ms. Carter to  
20 Southwest?

21 A. Herb Kelleher is a very popular person and well  
22 known throughout the industry. And the colors,  
23 obviously, are indicative of Southwest Airlines, and  
24 it talks about the company.

25 Q. Well, it refers to, "our CEO," correct?

1 A. Yes.

2 Q. And what about the next page, is this exhibit  
3 90.9, is that one of the images that you referenced  
4 earlier in your testimony just now?

5 A. Yes, it is.

6 Q. What does it show?

7 A. It shows Charlene Carter and her crew next to  
8 the Southwest aircraft in the jetway.

9 MR. McKEEBY: And let me go to the  
10 exhibit another way, your Honor, to talk about those  
11 other documents.

12 Let's go to Exhibit 74.

13 THE COURT: It is in, so the jury can see  
14 it.

15 BY MR. McKEEBY:

16 Q. I think you -- this was a document that was  
17 entered through you, if I'm not mistaken, this email  
18 at the beginning of the chain, the top, we talked  
19 about that earlier today, correct?

20 A. Yes.

21 Q. Okay.

22 What I want to talk about is on page 74.5.

23 Is that one of the public posts that you found  
24 on Ms. Carter's Facebook page?

25 A. Yes.

1 Q. Did you conduct a fact-finding meeting with  
2 Ms. Carter?

3 A. Yes.

4 Q. What -- what -- what does that -- explain to  
5 the jury --

6 MR. McKEEBY: You can go ahead and take  
7 that down.

8 BY MR. McKEEBY:

9 Q. -- what a fact-finding meeting is.

10 A. A fact-finding meeting is what we set up with  
11 the person who is alleged to have done something,  
12 and we agree on a date and time with the employee  
13 and their union. And we conduct the meeting  
14 face-to-face, and we give the employee time to  
15 explain what happened during the alleged event.

16 And they can share and give testimony and give  
17 any type of evidence they have available to the  
18 investigator at that time, which would have been me.

19 Q. And with respect to Ms. Carter's fact-finding,  
20 who was in attendance?

21 A. It was myself, Meggan Jones, the TWU  
22 representative, Chris -- I can't remember his last  
23 name.

24 Q. Sullivan?

25 A. Sullivan, yes, please. Thank you.

1 And Charlene Carter were in attendance in  
2 person. And we had Denise Gutierrez from employee  
3 relations and Edie Barnett from human resource  
4 business partner on the phone during the meeting.  
5 They could ask questions and listen.

6 Q. Was Ms. Gutierrez on the phone or was she there  
7 in person?

8 A. She was on the phone.

9 Q. Where was the fact-finding held?

10 A. In the in flight base in Denver.

11 Q. And did Ms. Carter have the opportunity to tell  
12 her side of the story during the fact-finding  
13 meeting?

14 A. Yes.

15 Q. And did she do so?

16 A. Yes, she did.

17 Q. You mentioned Meggan Jones, is that her in the  
18 courtroom?

19 A. Yes.

20 Q. What was her position?

21 A. She was my note taker for that.

22 Q. What was her job at the time?

23 A. She is the assistant base manager for Denver in  
24 flight.

25 Q. And you indicated she was the note taker. What

1 does that mean?

2 A. During these meetings, the only way we can  
3 record them is by taking notes. And Meggan is very  
4 adept as taking good notes and a very efficient  
5 typer -- typist, and did a great job of capturing the  
6 notes on that.

7 Q. Are those notes something you reviewed after  
8 she finalized them?

9 A. Yes.

10 Q. And we will get to those in a minute.

11 Did you review any -- strike that.

12 Did Ms. Carter provide you with any documents  
13 at the fact-finding meeting?

14 A. Yes, she did.

15 Q. Can you generally describe those documents for  
16 the jury?

17 A. They were documents that indicated the  
18 participants in the Women's March and different  
19 events associated with that.

20 And if I recall, there were other photos of her  
21 support for pro life.

22 I don't recall all of them at this time.

23 Q. Okay. Well, I'm going to help you.

24 MR. McKEEBY: Let's pull up Exhibit 103.

25 And I don't believe this is in evidence,

1 so Southwest moves to admit Exhibit 103.

2 THE COURT: 103 any objection.

3 MR. PRYOR: Just a moment. I need to see  
4 it. This document is in a different Exhibit number  
5 I guess already in evidence. But if it is just  
6 the fact-finding notes, no objection, I guess,  
7 again.

8 THE COURT: Any from the union, any  
9 objection to 103?

10 MR. GREENFIELD: No, your Honor.

11 THE COURT: All right. 103 is in. You  
12 can publish.

13 (The referred-to document was admitted in  
14 Evidence as Trial Exhibit 103.)

15 THE COURT: They're published to the jury.

16 BY MR. McKEEBY:

17 Q. These are the fact finding notes, but if you go  
18 to page -- well, let me start with your email.

19 MR. PRYOR: Your Honor, is it more than  
20 just the fact finding notes?

21 MR. McKEEBY: It says in the email it is  
22 the images as well.

23 MR. PRYOR: I'm just going through --

24 MR. McKEEBY: Information that Ms. Carter  
25 brought to the meeting that he's testified to.



1 MR. PRYOR: Okay.

2 THE COURT: All right. You can proceed.

3 MR. PRYOR: I'm just going through the  
4 document right now.

5 MR. McKEEBY: Thank you.

6 BY MR. McKEEBY:

7 Q. So explain to the jury what this email is.

8 MR. PRYOR: Okay. Wait. Your Honor, it  
9 is in evidence? I still haven't had a chance do  
10 scroll through the document.

11 THE COURT: You had no objection to it.

12 MR. PRYOR: Well, I had no objection when  
13 I thought it was a fact finding memo. Now I found  
14 out there is a lot of stuff attached to it, so I'm  
15 scrolling through it -- no objection.

16 THE COURT: Okay. You can proceed.

17 BY MR. McKEEBY:

18 Q. Mr. Schneider, so it looks like that there is a  
19 combination of documents in 103.

20 Would you agree with that?

21 A. Yes.

22 Q. Can you identify what those categories of  
23 documents are?

24 A. I only see the front page, but when we are  
25 conducting an investigation, we hold a fact-finding

1 meeting. And before Denise Gutierrez can make her  
2 decision on harassment policy, I send her the notes  
3 also from the meeting so she can review and make her  
4 decision.

5 Q. All right.

6 Well, the fact -- the notes are already in  
7 evidence in a different exhibit, and we will go over  
8 those in a moment.

9 MR. McKEEBY: At Exhibit No. 103.19, if  
10 you could just kind of flip through those page by  
11 page, so that the witness can see.

12 THE WITNESS: These are the images that  
13 were supplied to us, but unfortunately,  
14 Ms. Gutierrez and Ms. Barnett were not in the room,  
15 so they didn't get to see them. So I wanted to make  
16 sure that we sent the evidence to them that  
17 Ms. Carter supplied for us.

18 BY MR. McKEEBY:

19 Q. Okay. I want to make sure I understand.

20 Ms. Carter handed you these documents during  
21 the fact-finding meeting?

22 A. Yes.

23 Q. And you were sending them to that Ms. Emlet and  
24 Ms. Gutierrez so that they would have access to what  
25 Ms. Carter provided?

1 A. Yes.

2 Q. And did you review this information in  
3 connection with the fact-finding?

4 A. Yes, I did.

5 Q. Did you ask questions of Ms. Carter during the  
6 fact-finding?

7 A. Yes, I did.

8 Q. Was one of those questions of Ms. Carter why  
9 she sent the messages to Ms. Stone?

10 A. Yes.

11 Q. And what do you recall her response being?

12 A. She stated that she was pro life, and she  
13 wanted to get this message out to everybody. And at  
14 one point, she indicated that the union was pro  
15 choice, and she did not agree with that.

16 MR. McKEEBY: Let's put the document back  
17 up, if you would. Can you go to 103.16.

18 BY MR. McKEEBY:

19 Q. If I'm reading this correctly, it indicates  
20 that Ms. Carter said she was hoping to get a  
21 dialogue with Ms. Stone regarding the Women's March?

22 A. Yes.

23 Q. What was your reaction to that explanation?

24 A. The images that were sent did not elicit open  
25 conversation or dialogue.

1 Q. That is a conclusion that you came to?

2 A. Yes.

3 Q. What is the basis of that conclusion?

4 A. Because they were not questions, they were more  
5 statements.

6 Q. Did you question Ms. Carter's explanation in  
7 that regard?

8 A. I did.

9 Q. Did you tell her that?

10 A. I do not remember exactly if it was myself  
11 asking that question. It was asked in the meeting,  
12 yes.

13 Q. What question was asked during the meeting?

14 A. Did she know the affiliation -- or what  
15 Ms. Stone's standing on abortion was.

16 Q. Was that important to you?

17 A. To be sent these images and graphic videos to  
18 someone and not knowing their background or what has  
19 happened personally in their lives, yes, it was  
20 important, because it could have been detrimental to  
21 someone psychologically.

22 Q. How so? I just want you to expand on that a  
23 little bit.

24 A. My thought process is that not knowing the  
25 background of Ms. Stone -- social media has a way of

1 affecting people. And I know that -- I'm just going  
2 to say suicide is a big thing out there, and people  
3 can be affected by these type of social media  
4 statements and videos and images.

5 And I think that is something that wasn't  
6 considered when the videos and the images were sent.  
7 Because she stated that she was simply trying to get  
8 her message across and wasn't trying to have a  
9 dialogue with Ms. Stone to find out what her  
10 thoughts were on it or what her stand was on it.  
11 She didn't know that information.

12 Q. How would you describe Ms. Carter's --  
13 Ms. Carter was there at the meeting, face-to-face,  
14 correct?

15 A. Yes.

16 Q. And her union representative was there with her  
17 in attendance?

18 A. Yes.

19 Q. How would you characterize Ms. Carter's  
20 demeanor during the fact-finding?

21 A. She was not regretful for doing -- sending  
22 videos and the personal messages, she didn't seem  
23 apologetic for it at all towards Ms. Stone, and  
24 seemed to be justified for what she did.

25 Q. Did she seem remorseful at all?

1 A. No, not at all.

2 Q. Did Carter make any claim during the  
3 fact-finding meeting that she believed Southwest was  
4 retaliating against her based on union protected  
5 activities?

6 A. Can you say that one more time.

7 Q. Did Carter say, in the fact-finding meeting,  
8 that she believed that Southwest was discriminating  
9 against her because of her union-related activities?

10 A. No, she did not.

11 Q. Did Carter claim during the fact-finding  
12 meeting that Southwest was taking action against her  
13 based on her religious beliefs?

14 A. No.

15 Q. Now, you became aware, in connection with the  
16 investigation, as I understand it, that Ms. Carter  
17 had a history with the union, correct?

18 A. Yes.

19 Q. Now, did you know that prior to the  
20 investigation?

21 A. I did not.

22 Q. Were you -- there has been some discussion in  
23 this case about a recall election.

24 Do you know what that means?

25 A. I know what it means through the investigation.

1 She explained that.

2 Q. Were you not aware of the recall movement prior  
3 to the investigation?

4 A. I had heard rumors of it and knew very little  
5 about what it involved.

6 Q. Did you feel like the investigation was fair?

7 A. Absolutely, yes.

8 Q. Why do you think that?

9 A. I looked at every shred of evidence we had and  
10 considered everything that was given to me, and  
11 testimony by Ms. Stone and Ms. Carter, looking at  
12 the history of what had transpired, just to give  
13 credit to everything that was given to me before I  
14 made my decision.

15 Q. After the fact-finding, what did you do in  
16 terms of reaching that decision?

17 A. I worked with Denise Gutierrez to learn if she  
18 made the determination that it was a violation of  
19 our harassment/sexual harassment policy. I  
20 discussed with Maureen Emlet to make sure that I was  
21 within the guidelines of my decision.

22 Q. What do you mean "guidelines of your decision"?

23 A. Guidelines in labor as far as making this  
24 decision, and historical, and anything that she  
25 could share of cases that were similar or anything.

1 Q. And the "she" in this context is Ms. Emlet?

2 A. Yes, correct.

3 Q. Okay. Now, obviously, it sounds like you knew,  
4 before, but during the investigation, you realized  
5 that the person who was making the complaint was  
6 president of the Union, Ms. Audrey Stone, correct?

7 A. Yes.

8 Q. Did that fact have an impact on the  
9 investigation?

10 A. No. She was an employee of Southwest Airlines  
11 and that is how I treated it.

12 Q. Was she, in your view, entitled to the  
13 protections of the policies of Southwest Airlines  
14 like any other employee?

15 A. Yes, 100 percent.

16 Q. I think you've testified to this, but I will  
17 ask again, just to lay a predicate. Was it your  
18 decision, Mr. Schneider, to terminate Ms. Carter's  
19 employment?

20 A. Yes, it was.

21 Q. And can you tell the jury why you reached that  
22 decision?

23 A. The decision was based on, like I have said a  
24 few times, the egregiousness of the videos and the  
25 posts that were made and the personal messages that



1 were sent depicting a very graphic image, and one  
2 that I considered affected Ms. Stone in a great way.

3 And it seemed that the escalation was there.  
4 She crossed the line, basically, of just telling  
5 Ms. Stone how she felt about her being president and  
6 her duties. And crossed the line as to what we  
7 would do as a company and how we treat fellow  
8 employees.

9 Southwest has a great culture, and our habits  
10 have always been to take care of each other and  
11 treat each other with kindness and caring, and this  
12 gave none of that. And it affected every part of  
13 how she conducted herself.

14 And I was concerned that it was going to  
15 possibly escalate. And I -- in some way. But just  
16 the graphic nature of these videos is the reason why  
17 she was terminated.

18 Q. In the fact-finding, did Ms. Carter raise the  
19 issue of requesting some type of accommodation?

20 A. No, she did not.

21 Q. If Southwest were to allow employees to make  
22 these types of posts and send them to other  
23 employees, what would be the impact on Southwest  
24 Airlines in your view?

25 A. If we allowed this --

1 Q. If you allowed employees to send these types of  
2 videos to co-employees, what would you say would be  
3 the impact?

4 A. As I stated earlier, there is a certain level  
5 of disrespect when you send this type of video  
6 graphic to another employee. We would lose respect  
7 for each other, we would lose the family-type feel  
8 that Southwest Airlines has always been a proponent  
9 of in how we treat each other.

10 And it would have an adverse affect on how we  
11 work together and how we interacted as a group of  
12 employees.

13 Q. Now, did you consider any lesser form of  
14 discipline, suspension or counseling or something  
15 along those lines?

16 A. I considered everything that was available as  
17 far as discipline for it. And due to the  
18 egregiousness of this, termination was the right  
19 choice in this.

20 Q. And did Ms. Carter's opposition to union  
21 leadership and her complaints about how the union  
22 was spending union member dues have anything to do  
23 with your decision?

24 A. No.

25 Q. What are your thoughts about the notion that

1 her status as a union objector would influence your  
2 decision?

3 A. It didn't influence my decision at all. That  
4 is a choice between the employee and their union.  
5 The company doesn't get involved in that at all, and  
6 I did not even consider that in my decision making.

7 Q. And did you have -- did you have a personal  
8 preference as to who the leaders of the Union would  
9 be?

10 A. I did not.

11 Q. And I asked if you had ever met Stone.

12 Just to make sure we are clear, had you ever  
13 interacted with her in connection with your  
14 responsibilities as a base manager in either Denver  
15 or Phoenix?

16 A. No.

17 Q. And did Ms. Carter being a Christian have  
18 anything to do with your decision to terminate her  
19 employment?

20 A. No, not at all.

21 Q. What are your religious beliefs, Mr. Schneider?

22 A. I am also Christian.

23 Q. What are your beliefs regarding abortion?

24 MR. PRYOR: Relevance, Your Honor.

25 THE COURT: Overruled. You can answer.

1 MR. PRYOR: Object on 404 and undue  
2 prejudice.

3 THE COURT: Overruled, you can answer.

4 THE WITNESS: I am pro life.

5 BY MR. McKEEBY

6 Q. What does that mean to you?

7 A. It means that I do not agree with abortion and  
8 I think that every life is sacred and we should  
9 protect it to the greatest extent that we can.

10 Q. How did you communicate the decision to  
11 terminate Ms. Carter's employment to her?

12 A. I called the union, TWU rep in Dallas, and I  
13 told them that I was ready to render my decision.  
14 They called Ms. Carter, and put it on conference  
15 call, and I rendered my decision to both Ms. Carter  
16 and the union.

17 Q. And did you follow that up with a letter?

18 A. Yes. We are required to send the termination  
19 letter the same day as the rendering.

20 MR. McKEEBY: And I think we -- I think  
21 that is in evidence as Exhibit 115. Can we pull  
22 that up?

23 THE COURT: It is in evidence. We are  
24 showing the jury.

25 MR. McKEEBY: Thank you.

1 BY MR. McKEEBY:

2 Q. And is that the letter that you referenced?

3 A. Yes, it is.

4 Q. And did you write this letter?

5 A. Yes, I did.

6 Q. Did you run it by Ms. Emlet for her review and  
7 comment?

8 A. Yes.

9 Q. And did she have some changes?

10 A. They were minor changes. I always like to have  
11 them proofread to make sure that everything is  
12 correct.

13 Q. In the phone call where you informed Ms. Carter  
14 of your decision, did anything stand out about that  
15 call?

16 A. No.

17 Q. Is it brief?

18 A. It was routine and very brief. The union keeps  
19 it brief also, and they discuss off line anything  
20 after.

21 Q. And the letter indicates that you determined  
22 that Ms. Carter's conduct violated Southwest  
23 policies.

24 What policies did you determine Ms. Carter's  
25 conduct violated?

1 A. The workplace bully and hazing policy and the  
2 social media policy.

3 Q. And is that set forth in the document?

4 A. Yes, it is. It is bullet pointed.

5 Q. And it also references that the conduct also  
6 could be a violation of Southwest's policy  
7 concerning harassment, sexual harassment,  
8 discrimination and retaliation?

9 A. Yes.

10 Q. Was that based on what Ms. Gutierrez had  
11 advised you during the course of the investigation?

12 A. Yes.

13 Q. So there are a couple of reasons in here. Let  
14 me ask you this question: Had Ms. Carter only sent  
15 the video images to Ms. Stone, her co-employee,  
16 would you have still reached the decision to  
17 terminate her employment?

18 A. Yes. That is what I was trying to say the  
19 first day of testimony, that -- outside of all of  
20 the peripheral questions that I was being asked,  
21 that was the main reason why she was terminated.

22 MR. McKEEBY: Okay. I will pass the  
23 witness.

24 THE COURT: Okay, Mr. Greenfield.

25

1 CROSS-EXAMINATION

2 BY MR. GREENFIELD:

3 Q. Hello, Mr. Schneider, welcome back.

4 A. Thank you.

5 Q. How many times did you meet with Ms. Stone in  
6 the course of your investigation?

7 A. In the meeting, one time.

8 Q. At any point during that meeting, did Ms. Stone  
9 make any derogatory comments about Ms. Carter's  
10 religion?

11 A. No.

12 Q. Did you gain any understanding as to  
13 Ms. Stone's religion?

14 A. No, I did not.

15 Q. Okay.

16 And Ms. Carter?

17 A. Not in the meeting with Ms. Stone.

18 Q. Okay.

19 Did you ever come to information on whether  
20 Ms. Stone was personally pro life or pro choice?

21 MR. PRYOR: Object to relevance, object.

22 To --

23 THE COURT: I'll allow it.

24 THE WITNESS: In the meeting? I didn't  
25 ask that question, specifically. I think she

1 volunteered at some point in the investigation that  
2 she was pro choice.

3 BY MR. GREENFIELD:

4 Q. Okay.

5 MR. GREENFIELD: Can you pull up  
6 exhibit 67 for me? And if you can highlight the  
7 middle portion for me just where it says "Suzanne."

8 BY MR. GREENFIELD:

9 Q. Have you ever seen this email, Mr. Schneider?

10 A. Yes.

11 Q. Does that refresh your recollection as to  
12 Ms. Stone's personal views?

13 MR. PRYOR: Your Honor, there is no need  
14 to refresh it. He testified.

15 THE WITNESS: I'm sorry.

16 MR. PRYOR: It is improper use of a  
17 document to refresh recollection that doesn't need  
18 to be refreshed.

19 THE COURT: So I will sustain that, but  
20 this exhibit is already in evidence. So that is not  
21 a basis for me to keep it from the jury seeing it,  
22 if that makes sense. So I will sustain the  
23 objection, but I'm not going to order the exhibit  
24 pulled down.

25 MR. GREENFIELD: Nonetheless, you can take



1 it down.

2 THE WITNESS: Am I allowed to answer or is  
3 that --

4 THE COURT: I sustained the objection, so  
5 I think the answer is already in the record from  
6 your prior testimony.

7 BY MR. GREENFIELD:

8 Q. Do you remember Ms. Stone discussing any other  
9 employees with you during that meeting?

10 A. Could you be a little more --

11 Q. Sure.

12 MR. GREENFIELD: Can you pull up  
13 Exhibit 39, and to page 5.

14 BY MR. GREENFIELD:

15 Q. Does this document refresh your recollection if  
16 Ms. Stone spoke to you about a flight attendant  
17 named Holly Imomovich?

18 A. Yes, it does.

19 Q. And did Ms. Stone express any concerns to you  
20 about Ms. Imomovich?

21 A. Yes, she did.

22 Q. And what were those concerns?

23 A. Pictures that were -- they were flight  
24 attendants that had been terminated for specific  
25 reasons.

1 Q. Okay. Are you aware who, if anyone, turned  
2 Ms. Imomovich into the company?

3 A. I am not.

4 MR. PRYOR: Sorry, Your Honor, could I  
5 hear the question again?

6 THE COURT: Can you restate the question?  
7 Mr. Greenfield, can you restate that question?

8 MR. MCKEEBY: Yes, Your Honor.

9 THE COURT: He didn't hear it.

10 MR. GREENFIELD: Yes, your Honor.

11 BY MR. GREENFIELD:

12 Q. Do you know who, if anyone, turned  
13 Ms. Imomovich in to the company?

14 MR. PRYOR: Okay. Your Honor, I think I'm  
15 going to have a sidebar. Where is it at?

16 THE COURT: Sidebar.

17 (Thereupon, the following proceedings were  
18 had at sidebar:)

19 THE COURT: Okay. Objection?

20 MR. GILLIAM: Yeah. Your Honor this is  
21 actually foreclosed by Southwest's limine, that they  
22 want to talk about these other disciplinary cases,  
23 and we haven't been able to respond to them because  
24 of Southwest's limine.

25 So they want to go into detail about Holly

1 Imomovich's discipline, they want to go into detail  
2 of Robert Hibbit's discipline, but we have not had  
3 the opportunity to present any evidence to rebut  
4 what they are going to say because we have been  
5 limined out of it.

6 THE COURT: So I understand that.

7 But the question at hand was who turned  
8 them in to Southwest, which I view as different than  
9 what did Southwest do to them. So, yes, my guard is  
10 up on this, but I don't think they have gotten to  
11 the limine point of it yet.

12 MR. GREENFIELD: I'll be very careful with  
13 it, your Honor.

14 THE COURT: Do I need to -- because he  
15 said one reference earlier, they did talk about what  
16 Southwest did to somebody. Can I come out of this  
17 and say, hey, whenever my instruction, we are not  
18 supposed to tell what Southwest did to anybody, if  
19 you need to turn someone in, that's -- that is --  
20 are you okay with me saying that so the witness  
21 hears it from me, and then we will proceed?

22 MR. GILLIAM: Yes, your Honor.

23 MR. PRYOR: Your Honor, is this a fair use  
24 of conferring? I'm just wondering about our time.

25 THE COURT: Yes. So I will take this one

1 on me because we got close, but not over the line,  
2 so this one is on me.

3 MR. PRYOR: Thank you.

4 (Thereupon, the sidebar was concluded and  
5 the following proceedings were held in open  
6 court:)

7 THE COURT: Okay. So what I will do is, I  
8 will let you, in just a second, Mr. Greenfield, ask  
9 your last question. But for the jury's reminder --  
10 and, Mr. Schneider, I don't know if I've said this  
11 since you have been in the room -- I have carved out  
12 any part of this case which involves how Southwest  
13 disciplined an employee. That is not relevant to  
14 the claims against Southwest.

15 If someone turned in an employee to  
16 Southwest, that is not Southwest discipline yet.  
17 And that is relevant to this case. So the question  
18 that he asked you, I think is relevant. And it is  
19 one you can answer.

20 So can you ask this question again, but  
21 don't get into any Southwest discipline as a result  
22 of his question. You can ask again, Ms. Greenfield.

23 MR. GREENFIELD: Sure, I will be as  
24 precise as I can.

25

1 BY MR. GREENFIELD:

2 Q. And I think we heard your answer. Are you  
3 aware of who, if anyone, turned in Ms. Imomovich to  
4 the company?

5 THE COURT: Object, lack of foundation. I  
6 will allow him to answer if he has personal  
7 knowledge.

8 THE WITNESS: I don't know.

9 BY MR. GREENFIELD:

10 Q. Okay. And if you go down to page 6, the next  
11 page, do you know if Ms. Stone ever turned in  
12 Ms. Jeanna Jackson to the company?

13 A. I don't recall that.

14 Q. Based on these notes, what do you recall of  
15 your conversation between you and Ms. Stone  
16 regarding Ms. Jeanna Jackson?

17 A. Yes, she did turn in Jeanna Jackson.

18 Q. Based on this document, does it refresh your  
19 recollection as to the reason why that may have  
20 occurred?

21 A. Because it depicted a screen shot of a picture  
22 of a bullet in her head.

23 Q. Now, you are the Denver-based manager, correct?

24 A. Yes.

25 Q. And I would imagine that your purview generally

1 is limited to employees who are based in Denver?

2 A. Yes.

3 Q. I have a few people that I want to ask you  
4 about that you may not know about because they are  
5 at other bases, but just in case.

6 MR. PRYOR: Your Honor, for optional  
7 completeness regarding his refreshed recollection,  
8 can we point out --

9 THE COURT: Sidebar. Hold on. Sidebar.

10 MR. PRYOR: That is all.

11 THE COURT: I didn't hear what you were  
12 saying. You can only speak in code. And I'm not  
13 treating you --

14 MR. PRYOR: For optimal completeness, that  
15 he point out the rest of -- that the allegation was  
16 false.

17 THE COURT: Okay. I will sustain that. I  
18 will sustain that. Can you ask him about the rest  
19 of it?

20 MR. GREENFIELD: I was trying to be  
21 careful to not, but --

22 BY MR. GREENFIELD:

23 Q. Your understanding is that the complaint was  
24 related to a bullet, a picture of a bullet in  
25 Ms. Stone's head, is that correct?

1 A. Yes, that is correct.

2 Q. And to be fair to everyone here, my  
3 understanding, based on this document, is it your  
4 understanding that that post was ultimate -- was a  
5 fabrication?

6 A. It was determined about that, yes.

7 Q. And that was determined after an investigation,  
8 correct?

9 A. Yes.

10 Q. But nothing wrong with the complaint in and of  
11 itself?

12 A. No. Not at all.

13 Q. Do you know a Michelle Foley?

14 A. I have heard the name.

15 Q. Do you know if she's still employed by the  
16 company?

17 A. I do not.

18 Q. Do you know a Sherry Parnell Vincent?

19 A. No.

20 Q. Do you know a Kim Hensley?

21 A. Yes.

22 Q. Do you know if Kim -- I don't know if it's a  
23 man or -- if Kim is still employed by the company?

24 A. Yes.

25 Q. She is?

1 A. Yes.

2 MR. McKEEBY: Pass the witness, your  
3 Honor.

4 THE COURT: Okay. It is 5:01, so I'm  
5 going to say we should break here for the day. Same  
6 three instructions as always: You can only talk to  
7 your fellow jurors and court personnel, just not  
8 about this case; can't talk to anyone else; and  
9 please don't do any research about the case. We  
10 will see you tomorrow morning at 8:45 to start on  
11 the record at 9:00. All rise for the jury.

12 (The jurors exited the courtroom.)

13 THE COURT: Okay. We seem to keep holding  
14 you as an overnight witness, Mr. Schneider. I'm  
15 sorry for that. But with that, I still have to ask  
16 you to not talk to anyone about the case since you  
17 are still a witness.

18 But you are free to leave the courtroom.  
19 So you have your freedom at least; so there's that.

20 We will stick around after he's out of the  
21 courtroom so I can ask -- see if y'all have got any  
22 other questions we should address tonight.

23 (The witness exited the courtroom.)

24 THE COURT: Okay. So what-all do we need  
25 to cover now?



1 MR. McKEEBY: I need to suggest that I  
2 will need some but probably not all of the extra  
3 time. I don't know exactly how much I will need,  
4 but I will need more than -- at least, based on our  
5 calculations of how far I have gone, I will need  
6 some of it.

7 THE COURT: Understood. That makes sense.  
8 And I held it in reserve, knowing that y'all might,  
9 so that is fine.

10 I guess tonight at 6:00, we need to hear  
11 who else you plan to get to tomorrow that you didn't  
12 already designate for today. You had Gutierrez on  
13 the list today. So we will hear any other witnesses  
14 tomorrow.

15 And then we need to hear from you for who  
16 you plan to get to tomorrow, Ms. Greenfield.

17 MR. GREENFIELD: Yes, your Honor.

18 THE COURT: So we will hear that at 6. We  
19 will hear their objections to your exhibits at 8.  
20 And then I will say, I guess, you know, we might  
21 rest, rest, close, close, close tomorrow. And if we  
22 do, that we should probably stick around whenever  
23 that is and do the formal charge conference. And we  
24 can print the behemoth charge overnight because it  
25 takes a while, right, and then bring the jury back

1 on Wednesday to have a reading of the charge. And  
2 then closing argument, closing argument, closing  
3 argument. Does that make sense?

4 I just don't know -- you know, I don't  
5 know if we are going to finish tomorrow at 4:00,  
6 tomorrow at 3, tomorrow at 5 or 6. We will see.  
7 But the later we finish, the harder it will be to  
8 have y'all stick around and do a formal charge  
9 conference. So we will just play it by ear.

10 MR. McKEEBY: Point of clarification, can  
11 we assume that closing arguments will be on  
12 Wednesday at some point?

13 THE COURT: Yes. I don't think there is  
14 any possibility for us to have closing argument  
15 tomorrow, given that we still have got to do a  
16 formal charge conference. I will try to get y'all  
17 my next round of the jury charge by tomorrow at noon  
18 at the latest. We are working on it right now. But  
19 I can promise it by noon. I don't know if I can get  
20 it to you earlier. I will if I can.

21 But yeah, so we may roll straight in from  
22 the close of evidence to a formal charge conference  
23 tomorrow. That is ideal.

24 Other questions?

25 Judge Kinkeade has graciously agreed to be

1 my stand-in, and he's older, wiser than I am, and  
2 also funnier than I am. So he will be the stand-in  
3 judge, so he's on duty for Thursday and Friday.

4 Now, he may -- because he doesn't live too  
5 far from the courthouse, sort of be on standby,  
6 like I let y'all -- usually, when the jury goes into  
7 deliberations, I usually give you freedom to leave  
8 the courthouse so as long as you are having somebody  
9 15 minutes away or so. He might do the same, so we  
10 will see. It is up to him at that point.

11 But I will still be on the phone and able  
12 to talk through with him any jury notes or any other  
13 issues that may come up that he's wondering about.

14 So prep for Judge Kinkeade to be your  
15 judge. You can file your motion to reconsider every  
16 ruling that Judge Scholer and I have ever ruled on  
17 as soon as he takes the case over.

18 Anything else?

19 All right. Well, with that, we will see  
20 y'all tomorrow at 8:45 -- 8:30. Sorry. And then we  
21 will just see those filings tonight by email. Not  
22 filings, emails, on what we are going to take up  
23 tomorrow, what objections we have.

24 Thank y'all. We'll see you in the  
25 morning.

1 Court is in recess.

2 THE COURT SECURITY OFFICER: All rise.

3 (Proceedings concluded at 5:06 p.m.)

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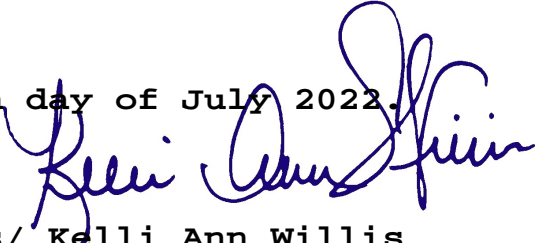
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C E R T I F I C A T E

I, Kelli Ann Willis, RPR, CRR, CSR  
certify that the foregoing is a transcript from the  
record of the proceedings in the foregoing entitled  
matter.

I further certify that the transcript  
fees format comply with those prescribed by the  
Court and the Judicial Conference of the United  
States.

This 12th day of July 2022.

  
s/ Kelli Ann Willis  
Official Court Reporters  
Northern District of Texas  
Dallas Division

<b>\$</b>	<b>118.110</b> 1314:1	<b>1996</b> 1575:6	1525:2,9,12 1559:7 1560:17 1576:8
<b>\$100</b> 1440:15	<b>119</b> 1317:15	<b>1998</b> 1514:16	<b>2019</b> 1512:2
<b>\$100,000</b> 1475:15	<b>119-point</b> 1318:13	<b>19th</b> 1527:22,23	<b>2021</b> 1401:9,18
<b>\$15,000</b> 1396:23	<b>11th</b> 1529:8 1546:16	<b>1:10</b> 1452:16	<b>2022</b> 1401:13
<b>\$16,581</b> 1397:6	<b>12</b> 1565:16	<b>1:11</b> 1450:17	<b>21</b> 1356:24 1401:11,14 1574:2,5
<b>\$17,700</b> 1397:16	<b>120-pound</b> 1303:6	<b>1st</b> 1529:18	<b>22</b> 1401:14
<b>\$18,598</b> 1398:3	<b>126</b> 1305:16,18 1306:2	<b>2</b>	<b>23rd</b> 1528:9
<b>\$6,000</b> 1401:12	<b>127</b> 1305:16,18	<b>2</b> 1307:8,11,20,23 1308:8,10 1309:3,7 1310:7,16 1311:9 1312:11,22 1313:14 1315:15,19 1316:3,22 1318:16 1319:23 1320:7,8,20,25 1321:6 1328:8,10,13,15 1350:2 1390:23 1391:2,3,13 1392:25 1393:15 1394:10,13 1416:6,9,22 1417:15 1419:17,19 1420:22 1474:19 1475:7	<b>24</b> 1293:10 1332:7,21
<b>0</b>	<b>128</b> 1305:16,18		<b>24-month</b> 1336:3 1417:20,22
<b>0</b> 1524:23	<b>129</b> 1305:16,18 1306:3		<b>2400</b> 1574:1
<b>1</b>	<b>12:10</b> 1450:10		<b>25th</b> 1528:1
<b>1</b> 1504:15,21,22,24,25 1506:11,15	<b>13</b> 1505:8 1540:24 1574:7		<b>26.25</b> 1526:11
<b>10</b> 1303:11 1328:12,16 1373:2 1556:12	<b>130</b> 1301:14,15,16,23, 25 1302:4,5		<b>26th</b> 1528:12
<b>10-minute</b> 1372:4,20	<b>138</b> 1486:3,6,9		<b>27</b> 1527:4 1528:12
<b>100</b> 1438:7,9,11,18 1439:4,10 1460:14 1475:14 1600:15	<b>14</b> 1530:12		<b>28</b> 1574:25
<b>100,000</b> 1476:17	<b>147</b> 1502:19,25 1504:1 1506:21 1507:13 1509:10,20,21 1510:13 1538:25	<b>20</b> 1298:13 1345:16 1357:11	<b>2:26</b> 1509:8,9
<b>103</b> 1591:24 1592:1,2,9, 11,14 1593:19	<b>148</b> 1312:15	<b>20,000</b> 1476:14,18	<b>3</b>
<b>103.16</b> 1595:17	<b>14th</b> 1528:21	<b>2000</b> 1481:13	<b>3</b> 1394:25 1618:6
<b>103.19</b> 1594:9	<b>15</b> 1318:13 1510:2 1619:9	<b>2004</b> 1575:6	<b>30</b> 1293:5 1309:12 1387:11,15
<b>107</b> 1497:4	<b>15,000</b> 1460:16	<b>2012</b> 1302:1	<b>30-day</b> 1293:5 1330:20 1417:16 1431:15
<b>10:48</b> 1373:7	<b>16</b> 1397:20 1530:16 1545:24 1546:4,10	<b>2013</b> 1314:17 1339:22 1407:12 1490:5 1546:14,16,23	<b>31st</b> 1512:2
<b>10:50</b> 1372:21	<b>16th</b> 1330:21 1525:21 1546:23	<b>2014</b> 1396:25 1397:3	<b>38</b> 1295:4,5,9,12
<b>10th</b> 1529:8	<b>17</b> 1328:5,16 1336:7 1397:24 1524:18	<b>2015</b> 1397:15 1449:11 1526:1	<b>39</b> 1609:13
<b>11</b> 1533:10,16,22,24	<b>17th</b> 1524:20	<b>2016</b> 1397:18,21,25 1525:4,13,18,21,22 1526:1,4,24 1527:17,19 1528:8 1529:7,12 1565:17	<b>3:40</b> 1556:12,23
<b>115</b> 1604:21	<b>18</b> 1290:12 1293:11 1332:18,21 1400:13 1418:2 1523:6 1580:6, 14,16,19,20,24	<b>2017</b> 1296:7 1307:13 1328:5 1330:4,15 1336:7 1397:23 1398:19 1399:7,25 1400:5,10 1449:11 1481:14 1510:4 1512:11 1524:18	<b>40</b> 1327:7,8,15,23 1478:1,2,18
<b>118</b> 1311:19 1313:9,18, 20 1475:9 1476:25	<b>18-month</b> 1332:13 1410:25		<b>401</b> 1476:12,19
<b>118-112</b> 1314:21	<b>19</b> 1304:4		<b>401(k)</b> 1475:21
<b>118-116</b> 1315:2	<b>198.15</b> 1507:4		<b>404</b> 1549:16,23 1604:1
<b>118.10</b> 1313:22			<b>42</b> 1301:14,15,16,23 1302:6 1396:11,14,15

<b>44</b> 1523:20,21 1524:2	<b>61</b> 1370:22 1371:9 1373:24,25 1374:1 1377:15,16 1381:19,24 1382:3	<b>92.4</b> 1524:21	<b>acceptable</b> 1378:4 1537:2 1544:2 1564:13 1568:13
<b>44-point</b> 1525:16		<b>94</b> 1583:8	
<b>44.10</b> 1529:6		<b>98</b> 1355:13 1361:14 1510:2	<b>acceptance</b> 1546:22
<b>44.11</b> 1529:11	<b>66</b> 1498:24 1499:19 1561:2	<b>98.11</b> 1359:20	<b>accepted</b> 1418:3
<b>44.12</b> 1529:15	<b>67</b> 1608:6	<b>98.15</b> 1507:8	<b>access</b> 1486:10 1535:22 1538:2,6 1540:15 1541:15,20,21 1586:18 1594:24
<b>44.13</b> 1530:6	<b>6:00</b> 1617:10	<b>98.6</b> 1355:14,15	
<b>44.15</b> 1530:17		<b>98.7</b> 1361:15	
<b>44.2</b> 1525:3,8	<hr/> <b>7</b> <hr/>	<b>99</b> 1420:6 1514:16	<b>accolades</b> 1322:14
<b>44.4</b> 1525:16 1530:12		<b>9:00</b> 1616:11	<b>accommodate</b> 1290:24 1366:1 1383:13 1387:2 1493:16 1497:20 1498:15
<b>44.5</b> 1526:3	<b>7</b> 1328:12,16 1536:8,11, 13,19 1538:3	<b>9th</b> 1529:8	
<b>44.6</b> 1526:23	<b>7.10</b> 1527:6	<hr/> <b>A</b> <hr/>	<b>accommodated</b> 1364:24 1366:24 1367:3 1468:24
<b>44.7</b> 1527:16	<b>74</b> 1588:12	<b>abbreviation</b> 1545:18	
<b>44.8</b> 1528:6	<b>74.5</b> 1588:22	<b>Abercrombie</b> 1498:13	
<b>44.9</b> 1528:19	<b>76</b> 1576:14	<b>abide</b> 1513:21	
<b>47</b> 1363:23 1382:5 1537:18	<hr/> <b>8</b> <hr/>	<b>ability</b> 1529:21 1580:1	
<b>482f.3d</b> 1489:15		<b>aborted</b> 1340:15 1351:24 1353:1 1360:11 1499:8 1500:3	<b>accommodation</b> 1288:3 1291:11 1364:20 1365:3 1367:6 1382:20,22 1384:3 1392:5 1461:7 1462:19, 20 1464:22 1465:23 1466:9,12 1467:6,25 1469:9 1470:10 1493:1, 5,12 1494:15 1495:15, 19 1498:9,11 1601:19
<b>4:00</b> 1618:5	<b>8</b> 1617:19	<b>abortion</b> 1339:20,25 1340:5,11 1344:23 1345:3,23 1346:4,8 1347:16 1351:18 1354:11 1359:15 1360:4 1385:19 1389:12 1395:8 1490:22 1491:11 1533:4 1548:22 1549:22 1550:19,20 1551:15 1596:15 1603:23 1604:7	<b>accordance</b> 1553:22 1560:2
<hr/> <b>5</b> <hr/>	<b>80</b> 1475:13		<b>account</b> 1449:10 1586:21,22
<b>5</b> 1287:7 1401:12 1609:13 1618:6	<b>80-</b> 1475:15 1476:17		<b>accountable</b> 1553:13
<b>5,000</b> 1401:15	<b>802</b> 1489:15		<b>accounts</b> 1544:17
<b>50</b> 1487:9,14 1585:10, 14,15	<b>808</b> 1489:15		<b>accrue</b> 1529:4
<b>501(c)(3)</b> 1399:20 1402:11	<b>83</b> 1516:7,8,10,12,17		<b>accurate</b> 1453:1
<b>556</b> 1314:11 1325:19 1359:9 1407:4 1481:14 1491:22 1513:5 1514:20 1516:6 1571:11 1578:20	<b>83.2</b> 1517:6		<b>accurately</b> 1545:2
	<b>84</b> 1464:6		<b>acknowledge</b> 1385:22 1554:21
<b>556's</b> 1376:20	<b>84.8</b> 1525:10		<b>acknowledged</b> 1554:25
<b>566</b> 1287:16	<b>8:30</b> 1619:20	<b>absolutely</b> 1319:11 1321:25 1322:8 1330:6 1353:3 1356:17 1436:1 1460:13 1472:16 1473:8,10 1491:2 1542:10 1552:11 1599:7	<b>acknowledgement</b> 1554:7
<b>5:01</b> 1616:4	<b>8:45</b> 1616:10 1619:20	<b>abundant</b> 1496:19	
<b>5:06</b> 1620:3	<b>8th</b> 1527:22 1528:21	<b>abuse</b> 1554:3	
<hr/> <b>6</b> <hr/>	<hr/> <b>9</b> <hr/>	<b>academy</b> 1411:25 1412:12,13	<b>act</b> 1365:4 1384:4 1423:24 1424:4,9,14,24 1425:2 1453:22 1457:6 1498:4,5
<b>6</b> 1613:10 1617:18 1618:6	<b>9</b> 1543:1,3,5,11	<b>accept</b> 1402:24	
	<b>90</b> 1475:13 1531:12,17 1586:1,2,8		
	<b>90.8</b> 1587:10		
	<b>90.9</b> 1588:3		
	<b>92</b> 1524:22		

<b>acted</b> 1299:8	<b>adept</b> 1591:4	<b>affirmative</b> 1287:22 1288:1,6,8,15 1392:3 1495:21,25	1322:5 1325:23 1330:12 1331:17,25 1335:3 1353:8 1357:1 1359:10 1360:18 1366:24 1369:15 1377:8 1384:21,23 1385:1,9,12 1386:14 1395:7,19,24 1399:14 1400:8,9,16 1435:15 1451:24 1481:13 1491:23 1492:5 1494:16 1505:6 1510:23 1511:25 1512:8,10 1513:5,9,24 1531:8 1532:3,10,12,25 1533:2 1534:5 1535:14, 18,21 1542:4 1543:15 1552:4,9 1558:17,24,25 1559:18 1562:19 1564:5 1567:5,6 1569:14 1570:2,13 1571:16,19,25 1573:23 1574:22,24 1575:12 1578:7 1586:17 1587:16,23 1600:10,13 1601:24 1602:8
<b>action</b> 1323:14 1438:10 1494:6 1598:12	<b>adhered</b> 1386:15	<b>afford</b> 1371:13 1391:11 1511:12	<b>AFL-CIO</b> 1325:20
<b>actions</b> 1299:8 1379:5 1381:6,7 1456:15,25 1562:12	<b>administer</b> 1511:6 1573:5	<b>affords</b> 1383:19	<b>afraid</b> 1562:10
<b>active</b> 1523:6 1575:19	<b>administration</b> 1560:6	<b>after-school</b> 1399:3	<b>afternoon</b> 1405:3,4 1406:12 1486:20 1551:23,24 1556:7
<b>activities</b> 1386:13 1423:5 1496:22,24 1497:9,12 1570:8 1598:5,9	<b>administrative</b> 1391:21,25 1392:3,13 1494:14	<b>age</b> 1398:11	<b>agree</b> 1310:13 1312:16 1331:23 1335:18 1353:25 1354:20 1363:7 1396:22 1400:4 1432:12 1449:25 1457:4 1460:14 1470:22 1548:9 1589:12 1593:20 1595:15 1604:7
<b>activity</b> 1290:1,24 1291:11 1325:12 1326:5 1385:10 1474:22 1475:6 1487:19 1488:4 1489:4, 7 1496:12 1500:9 1527:17 1528:7 1530:13 1562:20,21	<b>admissible</b> 1549:12	<b>agreed</b> 1449:8 1450:4 1466:2 1542:24 1545:12 1554:17 1618:25	<b>Airlines'</b> 1536:23 1569:9
<b>actor</b> 1376:22	<b>admission</b> 1295:3 1301:13 1381:19 1391:4 1506:10 1510:13 1533:15	<b>agreement</b> 1293:7 1294:18 1328:3,9 1329:13,22 1331:7 1332:4,20 1338:23 1406:25 1427:2 1444:16,25 1445:8,24 1446:3,14 1447:23 1448:4,10 1494:4 1513:4 1517:22 1529:20 1553:24 1559:15 1563:2	<b>Airlines's</b> 1532:15 1568:17
<b>acts</b> 1436:15	<b>admit</b> 1313:9,17 1327:8 1391:2 1485:22 1505:25 1506:14 1516:8 1523:21 1533:22 1536:11 1539:4 1543:3 1546:3 1585:13 1592:1	<b>ahead</b> 1294:7 1317:15 1359:24 1363:22 1397:1 1502:3,5,24 1567:9 1589:6	<b>airplane</b> 1455:8 1457:22
<b>actual</b> 1321:19 1365:17 1375:10 1387:9 1397:3 1411:25 1441:20 1503:17 1524:24 1530:2,11 1553:14	<b>admitted</b> 1295:11 1301:20,22 1305:25 1306:1 1313:19 1319:13 1327:18,22 1394:12,15,16 1486:6 1507:14 1516:12,16 1524:1 1533:23 1536:18 1543:10 1546:9 1585:11 1592:13	<b>aircraft</b> 1527:14 1532:15 1542:19 1587:5 1588:8	<b>airport</b> 1387:13 1484:21 1527:9 1528:16 1574:19
<b>Adam</b> 1287:15 1405:8 1551:25 1571:10	<b>adverse</b> 1602:10	<b>airline</b> 1400:17 1401:21	<b>Alcohol</b> 1411:5
<b>add</b> 1287:22 1288:1 1299:5 1326:15 1327:20 1431:13 1505:12	<b>adversely</b> 1578:16	<b>airlines</b> 1287:13 1289:11,15 1290:13,23 1300:6,10,11 1304:7 1306:23 1321:2,3	<b>Alex</b> 1341:20
<b>addiction</b> 1411:5	<b>advice</b> 1338:18		<b>align</b> 1429:10,17
<b>adding</b> 1288:6,8 1428:19 1494:22	<b>advise</b> 1507:22		<b>allegation</b> 1518:9 1614:15
<b>addition</b> 1331:12,15 1478:19 1513:20 1531:24 1549:11 1562:23	<b>advised</b> 1503:23 1606:11		<b>allegations</b> 1522:9 1535:1 1552:21 1554:2
<b>additional</b> 1302:9 1340:22 1552:6	<b>advisor</b> 1559:1		<b>allege</b> 1428:6
<b>address</b> 1324:25 1325:3,4,7 1356:4,7 1473:4 1493:2 1616:22	<b>affected</b> 1352:13 1578:8,16 1581:14 1582:14 1597:3 1601:2, 12		<b>alleged</b> 1485:6 1515:15 1562:21 1589:11,15
<b>addressed</b> 1560:2	<b>affecting</b> 1597:1		<b>alleging</b> 1468:19
<b>addresses</b> 1376:14	<b>affiliated</b> 1347:18 1398:19		<b>allowed</b> 1318:22 1335:13 1367:12 1395:9 1423:6 1504:1
	<b>affiliation</b> 1596:14		



1554:20 1601:25 1602:1 1609:2	<b>applicable</b> 1546:17	<b>assess</b> 1375:17	1528:24 1529:21
<b>allowing</b> 1327:15 1364:24 1367:3	<b>applicants</b> 1569:16	<b>assessment</b> 1354:2 1545:10	1538:8 1542:11,15 1546:25 1547:1 1552:22 1554:8,14,20 1559:17 1560:10 1574:1,3,14 1609:24
<b>alluded</b> 1353:24 1582:8	<b>applications</b> 1400:16 1401:21	<b>assessments</b> 1582:7, 9	<b>attended</b> 1342:15 1351:22 1575:17
<b>amazing</b> 1310:20 1337:13	<b>applied</b> 1301:5 1384:19 1385:1,24 1401:22 1512:17 1513:2 1553:1	<b>assigned</b> 1513:15 1525:10	<b>attendees</b> 1353:16
<b>ambiguity</b> 1375:23	<b>apply</b> 1301:10 1327:12 1331:24 1513:23 1581:1	<b>assistance</b> 1549:22 1561:24	<b>attention</b> 1531:12 1568:20
<b>ambiguous</b> 1375:3	<b>applying</b> 1552:25	<b>assistant</b> 1481:5 1574:8 1590:23	<b>attitude</b> 1534:21
<b>amendment</b> 1288:12 1451:5 1452:7	<b>approach</b> 1308:22 1505:2	<b>assisted</b> 1311:13	<b>attorney</b> 1343:4 1405:25 1425:6 1554:4
<b>American</b> 1300:10	<b>approved</b> 1549:14	<b>assume</b> 1558:20 1618:11	<b>attorneys</b> 1412:17 1435:2 1439:19 1461:23 1552:1 1571:11
<b>amount</b> 1300:18 1397:1 1410:9	<b>approximately</b> 1400:25 1401:10 1460:19 1524:21	<b>assuming</b> 1501:22	<b>audience</b> 1302:24
<b>analysis</b> 1381:10	<b>April</b> 1307:14 1328:5, 16 1336:7 1527:16,18, 22,23 1528:1	<b>attached</b> 1505:8 1531:24 1593:14	<b>audio</b> 1480:8
<b>and-a-half</b> 1575:4	<b>arbitration</b> 1349:13,18, 20 1350:2,19,22,25 1351:4,14 1352:10 1461:24 1463:7 1464:23 1474:20 1475:7 1494:4 1495:8 1515:4	<b>attachments</b> 1532:5,8	<b>Audrey</b> 1312:12,13 1316:24 1317:7 1319:10 1322:17 1326:5 1342:1 1344:12 1347:19 1357:19 1367:9 1414:9 1421:23 1454:16 1477:1,2,8,10, 14,17,22,24,25 1481:16 1516:1 1519:17 1522:9 1552:8 1571:14 1600:6
<b>angry</b> 1348:4,5	<b>area</b> 1436:9,13 1543:19	<b>attacked</b> 1535:4	<b>Audrey's</b> 1333:24
<b>animus</b> 1494:8	<b>arguably</b> 1488:24	<b>attempted</b> 1494:8	<b>August</b> 1529:12
<b>annual</b> 1536:3 1554:7	<b>argue</b> 1345:8	<b>attendance</b> 1523:7,9 1589:20 1590:1 1597:17	<b>Aurora</b> 1399:1,22 1402:10 1511:23
<b>answers</b> 1418:15 1432:19 1511:11 1557:24 1558:1 1573:11	<b>arguing</b> 1472:11,14	<b>attendant</b> 1291:13 1310:12 1322:10 1326:2 1329:10 1353:18 1356:17 1364:12 1387:7 1389:13 1390:9 1482:24 1512:16,23 1513:22 1514:10 1523:5 1527:12 1529:20 1531:7,8 1532:3,24 1534:4 1536:1,3,4 1545:16 1547:6,11 1559:3 1565:13 1575:2,3,9 1580:24 1587:3 1609:16	<b>authentication</b> 1506:12
<b>anymore</b> 1421:20	<b>argument</b> 1376:16 1377:11 1379:25 1393:3 1461:13 1508:1 1618:2,3,14	<b>attendants</b> 1333:7 1352:21 1353:19 1356:23 1357:3,7 1359:4,10 1370:17 1395:15,21,24 1435:3 1439:14 1491:22 1512:18 1513:10,15,20 1517:24 1523:15	<b>authoring</b> 1565:20
<b>apologetic</b> 1597:23	<b>argumentative</b> 1339:1		<b>authorized</b> 1395:24
<b>apologies</b> 1398:17	<b>arguments</b> 1377:13 1426:23 1494:2 1495:5 1500:21 1509:8 1618:11		<b>average</b> 1396:23
<b>apologize</b> 1348:17 1372:11 1382:8 1393:6 1420:12 1421:21 1422:11 1456:3 1464:17 1564:25 1584:13 1585:11	<b>Arizona</b> 1576:10		<b>aware</b> 1325:24 1430:7 1439:22 1444:14 1445:4,5,23 1446:12,24 1458:18 1515:18,22 1519:8 1544:23 1554:7 1562:24 1563:3 1571:18,23 1576:13,20 1578:14 1598:15
<b>apparently</b> 1503:8	<b>aspect</b> 1355:7		
<b>appeal</b> 1307:24 1309:2	<b>aspects</b> 1354:9		
<b>appearances</b> 1287:8	<b>assembled</b> 1312:23		
<b>appeared</b> 1315:16 1349:14 1523:18			
<b>appears</b> 1527:16 1577:21			
<b>Appendix</b> 1504:15,21, 24 1506:11			

1599:2 1610:1 1613:3	<b>Baltimore-</b>	<b>beginning</b> 1311:2	<b>Beverly</b> 1431:8
	<b>washington</b> 1484:21	1330:21 1410:14	1437:25 1459:8
<b>B</b>	<b>banner</b> 1345:18	1527:21 1534:9	<b>bias</b> 1444:8
	1359:8,11 1395:10	1546:23 1588:18	<b>biased</b> 1444:6
<b>babies</b> 1340:16 1345:4,	1491:20	<b>begins</b> 1526:2	<b>bid</b> 1330:10 1410:15
5 1353:1 1360:11	<b>banners</b> 1395:25	<b>behalf</b> 1287:16 1288:2	1529:21
1499:8 1500:4	<b>barely</b> 1483:17	1355:9	<b>bidding</b> 1542:14
<b>baby</b> 1345:6	<b>bargaining</b> 1498:21	<b>behaved</b> 1485:12	<b>big</b> 1329:24 1330:1
<b>bachelor's</b> 1413:9	1513:4 1517:22	<b>behavior</b> 1537:3	1408:3 1426:20
<b>back</b> 1289:8 1292:20,	1529:20 1553:23	1548:12 1565:12	1520:25 1597:2
25 1293:3,19,24	1559:15 1563:1	1566:14 1567:4	<b>biggest</b> 1355:11
1297:17,18 1302:25	<b>Barnett</b> 1308:16	1570:24	<b>Bill</b> 1424:12
1304:5,14,19 1311:7,10	1342:23 1579:9 1590:3	<b>behemoth</b> 1617:24	<b>bills</b> 1305:17
1314:17 1316:4	1594:14	<b>belabor</b> 1463:13	<b>binding</b> 1494:3
1320:18 1325:10	<b>base</b> 1512:20 1513:7,	<b>belaboring</b> 1464:18	<b>bishops</b> 1550:23,24
1329:12,15 1333:1	13,15 1521:25 1552:19,	<b>Belanger</b> 1431:8	<b>bit</b> 1295:18 1302:20
1334:7,14,16,20	24 1573:22,24 1574:1,	1437:25	1324:23 1331:9 1341:3
1341:21 1346:24	2,8,15,22 1576:3	<b>belief</b> 1336:5 1382:12	1364:2 1365:23
1361:14 1368:18	1590:10,23 1603:14	1424:2 1425:2 1439:2	1377:23 1398:12
1372:3,10,21 1380:7	<b>based</b> 1456:13 1464:20	1456:16 1459:18	1407:24 1408:3
1381:24 1382:5,20	1466:8 1488:14 1491:5	1498:10	1412:18 1413:1
1383:1 1386:6,8 1394:5	1505:21 1524:15	<b>beliefs</b> 1289:15,24	1417:12 1419:6
1398:5 1403:4,15	1553:16 1555:18	1290:25 1291:5 1345:9,	1438:17 1447:10
1404:5,11 1408:6,9	1576:3 1577:2,3	10 1366:1,25 1367:3	1468:21 1470:21
1426:20 1427:21	1598:4,13 1600:23	1382:11,16,18 1383:13	1483:15 1496:9 1513:1,
1428:19 1432:9 1433:5	1606:10 1613:14,18	1404:3,4 1427:23	19 1533:7 1552:12
1436:25 1439:17	1614:1 1615:3 1617:4	1429:10 1456:9 1459:4,	1596:23
1450:16 1451:1	<b>bases</b> 1513:9 1518:8	14 1461:1 1469:24	<b>blanketly</b> 1459:1
1452:16 1453:1,13	1614:5	1470:13 1491:3 1493:8	<b>blaring</b> 1303:8
1460:15 1462:18	<b>basic</b> 1573:18	1495:18 1496:21	<b>blind</b> 1566:1
1468:12 1471:19	<b>basically</b> 1294:22	1497:7,21,25 1498:14,	<b>block</b> 1529:22
1474:1,3 1476:22,23	1378:15 1402:6 1503:7	16 1550:2 1551:9,16	<b>blood</b> 1296:14 1298:2
1477:20 1486:10,25	1537:1 1601:4	1598:13 1603:21,23	1300:14,15
1502:4,16 1506:20	<b>basis</b> 1392:8 1414:19	<b>believed</b> 1332:18	<b>bloodhound</b> 1303:6
1509:8,9 1510:3	1424:2,8 1426:6,13,17	1363:15 1419:1	<b>blow</b> 1331:13 1355:21
1520:23 1522:23	1439:4,10,12 1462:16	1485:11 1548:12	1364:1
1527:25 1556:23	1510:6 1526:14 1596:3	1598:3,8	<b>blue</b> 1301:5 1400:18,19
1560:20 1570:1	1608:21	<b>believes</b> 1551:14	1524:17 1525:20
1572:23 1573:2 1580:6,	<b>baton</b> 1474:1,3 1501:4	<b>Bellinger</b> 1459:8	<b>blur</b> 1398:17
15,16,19,20 1584:20	1510:22	<b>belong</b> 1551:3 1570:23	<b>board</b> 1422:10 1423:10
1585:24 1587:18	<b>beating</b> 1410:7	<b>benefits</b> 1475:16,17,	1444:19 1448:15
1595:16 1607:3	<b>Becky</b> 1308:11 1329:2	18,19 1476:18	1461:11,12 1546:18
1617:25	1337:16,18 1339:5,8	<b>Beth</b> 1308:12 1329:1,4	<b>boards</b> 1407:19
<b>background</b> 1413:2	1416:15,22 1420:1,3	1332:11 1336:12	
1596:18,25	<b>began</b> 1505:5 1515:14	1337:2,7 1404:15	
<b>bad</b> 1293:8,9 1427:20	1587:16	1416:15,21 1417:8	
<b>badgering</b> 1343:18	<b>begin</b> 1569:12	1419:25	
<b>bag</b> 1380:7			
<b>ballpark</b> 1397:7			
<b>Baltimore</b> 1483:14			
1484:9			

<b>Bobby</b> 1287:9	<b>Brianna</b> 1518:23 1519:14,15 1531:21	1369:5 1376:7,8 1384:24 1385:7,9 1386:21 1403:9 1422:16 1423:18 1424:11,21 1462:4 1481:23 1579:7,8 1590:4	<b>captain</b> 1400:18
<b>body</b> 1298:6 1374:7 1492:4	<b>briefing</b> 1432:23		<b>capturing</b> 1591:5
<b>bonus</b> 1475:24,25 1476:1	<b>briefly</b> 1324:10 1337:5 1377:4 1382:21 1391:16 1396:19 1498:17		<b>car</b> 1303:2
<b>bonuses</b> 1475:23			<b>cardboard</b> 1492:2
<b>booklets</b> 1409:1	<b>bright</b> 1378:19	<b>C</b>	<b>care</b> 1397:13 1460:3,6 1535:3 1564:8 1574:3 1601:10
<b>books</b> 1547:11	<b>bring</b> 1288:16 1309:10 1311:18 1368:1 1381:25 1435:20 1439:25 1453:5 1461:22 1494:15 1504:21 1561:19 1617:25	<b>cabin</b> 1559:4	<b>career</b> 1296:23 1304:8
<b>boring</b> 1396:10	<b>bringing</b> 1413:23 1461:4	<b>calculations</b> 1452:23, 24,25 1617:5	<b>careful</b> 1611:12 1614:21
<b>boss</b> 1519:14 1560:23	<b>broke</b> 1335:23 1582:12	<b>calendar</b> 1330:14 1524:24 1527:4	<b>caring</b> 1534:21 1601:11
<b>bosses</b> 1519:8,13	<b>brought</b> 1321:3 1325:18 1477:19 1535:1 1544:18 1552:21 1553:8 1554:2 1581:16 1592:25	<b>call</b> 1289:4 1342:23 1345:4 1366:13 1391:17 1410:1 1414:15 1421:13 1465:17 1471:12 1480:2,5 1486:1,24 1501:9,10,17,24 1504:15,22 1510:17,24 1519:13 1555:25 1556:2 1559:4 1563:8 1565:8 1572:22 1604:15 1605:13,15	<b>carried</b> 1396:1
<b>bottom</b> 1318:18 1480:24 1527:4 1544:20	<b>bucket</b> 1429:23 1444:11 1449:7	<b>called</b> 1291:12 1293:6, 19 1296:19 1334:15 1341:21 1344:11 1347:9 1352:19 1365:19 1384:4 1387:3 1398:18 1400:8 1402:1 1431:11 1513:13 1518:14 1528:2,9,10 1557:13 1604:12,14	<b>Carrollton</b> 1558:13
<b>box</b> 1377:20 1487:16 1510:14	<b>buckets</b> 1429:20,22	<b>calling</b> 1308:18 1475:9	<b>carry</b> 1395:24 1491:20, 24 1536:4,6
<b>boxes</b> 1492:3	<b>bucks</b> 1300:22	<b>calls</b> 1317:2 1341:20 1371:20 1383:14 1389:14 1400:14 1414:14 1418:19 1424:5 1426:14 1427:4 1454:7 1468:1 1511:2 1552:15	<b>Carter</b> 1287:10 1289:1, 3 1307:6 1328:2 1329:9 1355:6,17 1374:20 1375:4,19,24 1376:5 1377:5 1378:1 1384:17 1395:3 1396:2 1402:23 1405:3 1412:16,25 1413:22 1420:20 1429:2,19 1434:19,23 1435:10,20 1439:19 1446:9 1453:10 1464:16 1465:8 1466:6 1469:15 1470:7,20 1471:25 1474:19 1480:2 1482:12 1486:1, 12 1487:21 1491:10,16 1492:12,21 1493:4,23 1494:5,20,24 1495:10, 16 1496:2,12 1497:6, 12,22 1498:11,23,25 1499:7,8,10,20 1500:2, 11 1503:18 1508:21,23 1510:5 1514:24 1515:13,25 1520:6 1522:22 1523:10,11,17 1524:15 1525:1 1527:1 1530:3,7 1532:10 1533:3 1535:11,13,17 1537:12 1538:17,22 1542:22 1551:6,14 1554:24 1555:5,8 1562:7 1575:25 1576:2, 12,21 1582:5 1583:23 1585:16 1586:12
<b>boxing</b> 1473:22	<b>building</b> 1520:21,22 1521:1		
<b>boy</b> 1413:15,16	<b>bullet</b> 1329:7,15 1330:19 1331:3,12 1332:3 1606:4 1613:22 1614:24		
<b>brain</b> 1296:17	<b>bully</b> 1606:1		
<b>branch</b> 1575:21	<b>bullying</b> 1331:18 1344:13,14,17 1387:20 1503:9 1505:9 1514:4 1538:12 1539:19,21 1540:17 1541:5,11,23 1542:22 1544:10		
<b>branched</b> 1402:7	<b>bunch</b> 1370:16		
<b>brand</b> 1569:23 1570:16,21,25 1571:1	<b>burden</b> 1495:22,25		
<b>breach</b> 1414:4,7,12 1418:6,8,21 1420:8,15 1421:3,5 1453:22	<b>bush</b> 1410:7		
<b>breached</b> 1414:10,16, 21 1415:6,8 1419:7,18 1420:21 1421:8,9	<b>business</b> 1297:13 1301:4 1321:25 1322:6, 23 1323:8 1324:5,17 1325:11 1326:5 1367:9		
<b>break</b> 1372:2,19,20 1373:7 1386:23,24 1450:9,11 1451:3,6,11, 16 1452:15 1476:2 1486:15,20 1501:3 1502:4,15,22 1506:20 1556:5,6,21 1616:5			
<b>breaks</b> 1352:5,6			
<b>Brett</b> 1429:18 1480:5 1481:10			
<b>Brian</b> 1287:12 1293:21 1333:3 1336:1 1370:17 1381:4 1431:10 1438:24			

1587:19 1588:7 1589:2  
1590:1,11 1591:12  
1592:24 1594:17,20,25  
1595:5,8,20 1597:13  
1598:2,7,11,16 1599:11  
1601:18 1603:17  
1604:14,15 1605:13  
1606:14 1607:16

**Carter's** 1376:9 1379:5  
1381:7 1488:9,22  
1489:21 1491:3  
1497:21 1498:10  
1501:15 1515:5,12,19  
1521:21,25 1522:7,24  
1530:24 1531:5 1532:2  
1534:16,25 1537:6  
1542:20 1544:16  
1545:11 1547:18  
1548:12 1564:15  
1580:7 1581:2 1582:16  
1586:18 1588:24  
1589:19 1596:6  
1597:12,19 1600:18  
1602:20 1604:11  
1605:22,24 1607:9

**carved** 1434:13  
1612:11

**case** 1298:9 1308:19  
1310:21,23 1311:4,5  
1314:12,14,20 1315:17  
1338:20 1342:8  
1364:17 1365:14,25  
1366:9,14,23 1367:18  
1369:18,22 1371:23  
1372:24 1373:1,6  
1375:12 1384:18  
1395:20 1405:12  
1413:25 1432:11  
1450:20,21 1451:4,8,  
10,18,20 1452:10  
1461:19,21,22 1462:13  
1472:1 1473:25  
1474:13,22 1486:21,23,  
24 1488:17 1491:17  
1494:4 1505:5 1510:22  
1514:24 1515:19  
1534:16 1542:10,20  
1548:14 1551:6  
1556:10,11 1561:9  
1578:18 1579:3  
1598:23 1612:12,17  
1614:5 1616:8,9,16  
1619:17

**case-in-chief** 1472:2

**case-wise** 1452:4

**cases** 1375:18 1489:2,  
13 1518:1 1548:14,18  
1552:21 1579:18  
1599:25 1610:22

**Casper** 1430:21  
1437:19 1459:9

**cat** 1380:7

**categories** 1579:2  
1593:22

**category** 1498:7  
1518:7

**Catholic** 1550:22,24  
1551:1

**causation** 1298:16

**caused** 1288:6 1296:7,  
8 1298:2 1299:12  
1306:14,15

**CEO** 1587:15,25

**certificate** 1413:3,5,8

**cetera** 1378:22 1408:6

**chain** 1519:1 1588:18

**chair** 1337:21

**chance** 1309:2 1310:16  
1593:9

**change** 1323:13

**changed** 1477:12

**changing** 1407:20  
1506:8

**character** 1549:16,19,  
20,21

**characterization**  
1313:15

**characterize** 1347:17  
1597:19

**charge** 1287:2,21  
1309:20 1348:12  
1391:20,24 1409:8,11  
1578:25 1617:23,24  
1618:1,8,16,17,22

**Charlene** 1287:10  
1304:2 1329:9 1338:9  
1361:22 1404:17

1482:12 1514:24  
1520:6 1524:14  
1575:25 1586:12  
1588:7 1590:1

**cheaters** 1561:19

**check** 1387:11 1487:16  
1585:12

**check-the-box**  
1493:24

**Cheri** 1430:15 1437:15

**chief** 1472:1 1473:25  
1474:13

**child** 1408:18

**chiming** 1494:22

**choice** 1316:23 1317:7  
1319:9,12 1374:6,7  
1491:25 1492:4,17  
1595:15 1602:19  
1603:4 1607:20 1608:2

**choose** 1542:16

**chooses** 1312:20

**chose** 1347:4,5  
1415:18 1461:18

**Chris** 1304:22 1305:9  
1342:24 1414:23  
1415:15 1416:4  
1418:24,25 1589:22

**Christian** 1289:16  
1345:16,21 1365:10,16  
1367:1 1382:11,12,16,  
18 1383:2,17 1427:25  
1456:16 1457:10  
1458:24 1461:14  
1465:10,22 1466:17  
1468:7,15 1469:10,24  
1490:21 1492:19  
1497:7,23 1603:17,22

**Christianity** 1454:19,  
21 1455:22 1459:1  
1466:25 1468:8

**Christians** 1458:11,15  
1459:20

**Christmas** 1405:21

**church** 1551:1

**churches** 1399:4,23

**circle** 1585:24

**cite** 1489:13

**claim** 1288:13 1295:19  
1344:10 1364:21  
1367:6 1369:25  
1379:10,11,12 1382:20  
1392:5,7,8 1414:3  
1458:5 1461:4 1472:21  
1488:4,10,13 1490:14,  
17 1492:22 1493:1,14,  
15,17 1494:13,15  
1495:15 1497:20  
1499:18 1598:2,11

**claimed** 1461:6

**claiming** 1365:24  
1418:5 1438:18  
1453:17

**claims** 1289:10  
1309:16,17 1379:9,15  
1381:4 1413:23  
1423:23 1432:11  
1434:7,11,14 1453:22,  
24 1467:4 1473:5,11  
1474:21 1490:11,18  
1492:25 1493:4,21  
1495:9 1496:23 1497:1  
1515:5 1612:14

**clarification** 1618:10

**clarify** 1294:5 1344:25  
1345:1

**clarity** 1377:23 1463:12  
1464:16

**class** 1401:2 1409:17,  
19

**clean** 1393:13

**cleanly** 1397:11

**clear** 1418:5,12,14  
1451:24 1467:5 1489:2  
1496:14 1507:19  
1582:9 1603:12

**clemency** 1499:14,15

**Clerk** 1511:8 1557:20  
1573:8

**click** 1484:3

**clip** 1481:8 1485:20

**clipped** 1313:1

**clips** 1364:14

<b>clock</b> 1387:13,18 1388:7 1452:23	<b>committed</b> 1534:17 1535:19 1569:4,5	25	1512:25
<b>close</b> 1340:11 1358:19 1371:20 1612:1 1617:21 1618:22	<b>committee</b> 1340:25 1442:19 1444:6 1446:24 1447:13,16 1448:9,19	<b>complaining</b> 1315:9 1323:9 1459:20 1562:9	<b>concern</b> 1333:14 1463:22 1534:20
<b>closed</b> 1401:3	<b>communicate</b> 1604:10	<b>complaint</b> 1314:15,23 1321:22 1322:4 1326:1 1327:3 1360:17 1369:17 1370:24 1371:10 1377:7 1380:19 1429:5 1441:10,11 1450:1,6 1469:13 1477:19 1482:13,17,19 1483:1 1489:11 1498:24 1499:19 1515:22 1517:10 1520:3 1521:15 1538:16 1544:15,18 1553:5,8 1562:16 1563:4 1571:21 1600:5 1614:23 1615:10	<b>concerned</b> 1341:11 1601:14
<b>closely</b> 1512:20	<b>communicated</b> 1513:6		<b>concerns</b> 1324:2,15 1336:10,12 1337:14 1338:6,10,23 1609:19, 22
<b>closer</b> 1452:25	<b>communicating</b> 1292:7 1550:3		<b>concession</b> 1504:8
<b>closing</b> 1618:2,11,14	<b>communication</b> 1323:17 1388:16,19 1467:8		<b>concluded</b> 1299:20 1310:1 1319:17 1372:15 1394:6 1433:25 1464:9 1474:8 1485:20 1540:5 1550:12 1612:4 1620:3
<b>clothes</b> 1532:12	<b>communications</b> 1289:18,25 1291:16 1323:20 1334:2 1439:21 1478:15 1487:23	<b>complaints</b> 1294:25 1322:13 1341:17 1343:11,13 1380:10,14, 20,23 1381:13 1515:12 1538:20 1552:14 1553:18 1555:5 1575:25 1576:21 1602:21	<b>concludes</b> 1485:21
<b>Cloutman</b> 1287:16	<b>community</b> 1408:19 1409:4,18		<b>conclusion</b> 1366:13 1369:21 1383:15 1389:15 1414:15 1418:20 1424:6 1426:15 1427:5 1454:8 1468:2 1542:21 1552:16 1596:1,3
<b>clubs</b> 1570:22	<b>companies</b> 1476:2 1569:8	<b>complete</b> 1343:13 1431:6,25 1465:2 1553:14	<b>conclusions</b> 1456:11
<b>co-employee</b> 1326:2 1385:19 1542:7 1606:15	<b>company</b> 1293:13,15 1316:1 1329:8 1331:16 1337:23 1375:7 1395:7, 9,14 1414:8 1424:10, 17,20 1427:15 1462:5 1478:20 1512:19,23 1513:23,25 1514:6 1548:13 1553:2 1559:20,22 1560:1,7,9, 12 1564:6 1565:15 1566:1 1567:7,13 1570:2 1587:24 1601:7 1603:5 1610:2,13 1613:4,12 1615:16,23	<b>completed</b> 1522:2	<b>concourse</b> 1574:21
<b>co-employees</b> 1602:2	<b>company's</b> 1395:17 1570:25	<b>completeness</b> 1526:15 1614:7,14	<b>concur</b> 1373:22
<b>code</b> 1320:4 1614:12	<b>comparator</b> 1378:22 1379:10	<b>comply</b> 1331:15,25 1334:23 1478:20 1554:17	<b>condition</b> 1299:12 1300:2
<b>coincide</b> 1402:14	<b>comparators</b> 1491:4	<b>component</b> 1487:16	<b>conduct</b> 1352:25 1488:18 1489:1,18 1513:22 1544:21 1545:11,12 1589:1,13 1605:22,25 1606:5
<b>colleagues</b> 1570:18	<b>competently</b> 1417:7	<b>compound</b> 1339:1 1385:5 1388:20,23	<b>conducted</b> 1522:8 1571:20 1601:13
<b>collection</b> 1489:23 1550:24	<b>compiling</b> 1311:13	<b>concede</b> 1472:24	<b>conducting</b> 1542:14 1593:25
<b>collective</b> 1448:16 1513:4 1517:21 1529:20 1553:23 1559:15 1563:1	<b>complain</b> 1341:14 1370:4	<b>concept</b> 1462:18 1485:16 1494:8 1507:2 1538:11,12,15 1568:6 1586:13	<b>conducts</b> 1562:19
<b>college</b> 1304:4 1476:24 1575:17	<b>complained</b> 1321:23 1325:6 1357:2 1489:24,	<b>concepts</b> 1473:2	<b>confer</b> 1550:25
<b>colluded</b> 1375:8			<b>conference</b> 1287:2,21 1393:19 1550:22 1604:14 1617:23 1618:9,16,22
<b>Colorado</b> 1399:1,22 1511:23 1528:23			<b>conferring</b> 1611:24
<b>colors</b> 1587:17,22			<b>confidante</b> 1482:3,6
<b>combination</b> 1487:22 1593:19			
<b>comfortable</b> 1390:8 1433:11			
<b>commend</b> 1411:3			
<b>comment</b> 1318:23 1605:7			
<b>comments</b> 1376:24 1491:7 1499:6,20 1500:3 1569:22 1607:9			
<b>commit</b> 1478:11			



<b>confines</b> 1424:16	1298:5	<b>contractual</b> 1559:22	1412:1,2,23 1414:4,5,
<b>confirmed</b> 1361:9	<b>constitution</b> 1358:4,	<b>contractually</b> 1330:9	13 1415:22 1416:2,7
<b>conflict</b> 1442:13	24,25 1466:20,21	<b>contribution</b> 1476:12	1417:7,17,19,21 1418:3
<b>conflicted</b> 1493:8	<b>construed</b> 1487:20	<b>control</b> 1486:17	1422:5,14,17 1423:8,9,
<b>conformance</b> 1549:20	<b>construes</b> 1488:18	<b>conversation</b> 1344:18	17,19 1425:10,14
<b>confronted</b> 1497:20	<b>consult</b> 1482:8,11	1419:5 1434:24 1436:5	1426:12 1434:24,25
<b>confusing</b> 1309:5	1547:24 1563:11	1519:23 1563:15,17	1436:5,6 1437:11
<b>Congratulations</b>	<b>consulted</b> 1548:7	1595:25 1613:15	1440:23 1443:24
1555:22	1549:4,5	<b>conversations</b> 1406:7	1444:13 1448:4,5,8,18
<b>congruence</b> 1379:14	<b>consulting</b> 1550:4,6	<b>coordinated</b> 1513:7	1449:19 1454:3,4,5
<b>conjecture</b> 1490:4	<b>contact</b> 1338:1	<b>coordinators</b> 1574:7	1455:18,19,21 1462:1,
<b>conjunction</b> 1374:1	<b>contacted</b> 1338:17,21	<b>copied</b> 1519:5 1585:8	14 1467:9,10,20
<b>connect</b> 1491:2	<b>contend</b> 1348:1 1395:7	<b>copies</b> 1515:24	1470:8,14 1471:10
1551:15	<b>content</b> 1519:7 1521:6,	1547:10	1475:4,8 1476:18
<b>connected</b> 1542:16	20,22 1537:13 1543:20	<b>copy</b> 1301:25 1534:5	1477:15,18 1478:16,17,
<b>connection</b> 1331:6	1544:2,24 1545:2,15	1536:2 1538:8 1540:16	23 1479:1,5,10,13,14
1488:25 1489:3,18	<b>contention</b> 1325:5,8	<b>cordial</b> 1406:1,19	1503:25 1504:19
1503:13 1515:11	1395:6 1426:20	<b>core</b> 1334:13 1449:16	1508:18 1517:7,16
1521:18 1522:25	<b>contents</b> 1519:24	1477:16	1518:19 1521:10
1530:23 1532:1 1535:9	1539:25	<b>corporate</b> 1287:17	1525:18,19 1531:14,15
1538:16 1544:9	<b>context</b> 1309:22	1521:2 1569:13	1535:7 1555:1,2
1547:24 1551:2	1324:13 1452:8 1468:4	<b>correct</b> 1295:2 1296:5,	1577:23 1587:25
1563:12 1581:2,10	1471:7 1494:7,9 1542:2	12 1307:22 1308:1	1588:19 1597:14
1583:19 1584:11	1562:15 1565:19	1310:18,24,25 1311:3,7	1598:17 1600:2,6
1586:19 1595:3	1579:24,25 1600:1	1312:24 1314:12,13	1605:12 1613:23
1598:15 1603:13	<b>continue</b> 1288:21	1315:1,10,11 1321:23	1614:25 1615:1,8
<b>consequences</b>	1433:16 1453:8	1322:5,18 1328:5,6,17	<b>corrected</b> 1509:3
1544:4,11	1524:19 1526:21	1329:10,11,14,22,23	<b>correctly</b> 1332:9
<b>consideration</b> 1331:4	1529:4 1554:20,24	1330:21,22 1331:7,8,	1454:15 1512:18
1497:2	1573:13	10,11,22 1333:18	1518:17 1530:25
<b>considered</b> 1379:4	<b>continued</b> 1288:23	1334:3 1335:21	1577:6 1582:2,18
1482:5 1488:22 1494:9	<b>continuing</b> 1292:18	1339:23 1341:10	1595:19
1503:13 1583:19,21	1308:4,5 1313:13	1342:1,19 1343:10	<b>costume</b> 1364:12
1597:6 1599:10 1601:2	1327:11 1350:10	1344:4,9,15,24	<b>costumes</b> 1363:13
1602:16	1394:18 1416:8,11	1345:21,22,25 1346:2	1364:10
<b>consistency</b> 1288:11,	<b>continuously</b> 1336:17	1347:3 1350:3,5,8,17	<b>couch</b> 1303:9
14	<b>contract</b> 1293:11	1351:4 1354:3 1356:16	<b>counsel</b> 1291:23
<b>consistent</b> 1362:22	1426:21,22 1428:11	1357:20 1358:24	1317:14,23 1335:7
1378:24 1382:16,18	1440:16 1444:12,15	1359:15 1360:19	1348:12 1350:24
1548:17	1460:3 1466:19 1476:1	1361:1,2,4,19 1364:4,9	1359:22 1367:10
<b>consistently</b> 1376:5	1512:17 1513:2,3,21	1366:1 1367:20	1389:7 1394:4 1407:3
1552:25	1517:24 1552:25	1370:25 1381:8	1419:13 1439:21
<b>conspiracy</b> 1441:25	1553:1 1559:16 1560:3,	1383:24,25 1385:16,25	1501:15 1503:23
1442:2,12	6,12	1387:7,8 1395:8	1506:2 1508:21
<b>constant</b> 1296:20	<b>contractors</b> 1546:19	1397:17 1398:1,4,20	<b>counseling</b> 1298:8
		1399:8,19 1400:6	1305:17 1306:8,10
		1407:7,13,16,17,20,21	1602:14
		1408:1,13 1409:21	<b>counselor</b> 1298:8
		1411:11,18,19,21,22	<b>count</b> 1312:18 1442:12
			<b>counted</b> 1442:8

<b>counter</b> 1483:5	22 1420:17 1421:1	1612:6,7 1613:5	<b>cross-examine</b>
<b>counting</b> 1441:21	1424:7 1426:16 1427:8	1614:9,11,17 1616:4,7,	1299:14 1504:4
1442:10 1443:12	1428:20,23 1431:2,5,	13,24 1617:7,18	1507:21
1510:9	17,21 1432:4,7 1433:4,	1618:13 1620:1,2	<b>cross-examined</b>
<b>couple</b> 1302:12 1372:3	14,22,24 1434:2,3	<b>courteous</b> 1567:16	1515:9
1406:11 1483:10	1435:16,23 1436:3,17	<b>courtesy</b> 1511:12	<b>crossed</b> 1601:4,6
1512:25 1519:4	1437:2,5 1439:6,23	<b>courthouse</b> 1619:5,8	<b>crux</b> 1519:17
1606:13	1442:6 1443:8 1445:20	<b>courtroom</b> 1288:19	<b>crying</b> 1295:21
<b>court</b> 1287:4,11,14,19	1449:2 1450:9,13,16,	1333:10 1342:21	1349:12 1483:17
1288:10,17,20 1291:7	19,25 1451:17 1452:1,	1348:13 1349:6 1351:3,	<b>cue</b> 1481:6
1292:10 1294:5,13	20,21 1453:5,7 1454:11	13 1352:11 1373:4	<b>cued</b> 1480:12
1295:5,9,15 1296:2	1456:12 1462:23	1382:1 1430:15 1432:7	<b>culture</b> 1601:9
1297:24 1298:17,20	1463:6,15,21 1464:8,	1435:14 1445:6 1446:1,	<b>current</b> 1421:14
1299:15,22,23 1301:15,	11,12 1465:5,16 1466:2	21 1450:24 1453:6	<b>curriculum</b> 1399:11
20 1303:20 1305:18,21,	1467:14,17,21 1468:5	1480:1 1487:3 1510:20	1408:25 1412:4,5
25 1306:4 1307:2	1469:6 1470:4 1472:6,	1556:13 1557:11	<b>customer</b> 1534:11,23
1308:3,5,23 1309:9,13,	11,14,18 1473:15,18	1562:8 1572:18,24,25	1567:22,23,24 1568:4,6
14,24 1310:3,4 1311:23	1474:3,6,10,11 1475:1	1590:18 1616:12,18,21,	1569:3 1575:13
1312:8 1313:10,16	1476:8 1479:18,21,24	23	<b>customers</b> 1533:5
1316:8,16 1317:10,23	1480:7,11,18 1483:6	<b>courts</b> 1494:9	1534:12 1567:12
1318:2,8,24 1319:2,7,	1485:25 1486:4,13,22	<b>cover</b> 1573:17 1616:25	1568:10 1569:5,7,11
13,19,20 1320:3,6,10,	1487:4,11,19 1488:12,	<b>covered</b> 1573:18	<b>cut</b> 1335:6 1456:23
14,18 1322:20 1324:9,	18 1489:2,13 1494:5,	<b>covering</b> 1380:14	1465:19 1556:19
14 1326:13,18,24	10,18 1495:2,21,23	1472:21	1566:20
1327:13,19,24 1330:7	1496:8 1500:19,20	<b>covers</b> 1425:3	<b>cute</b> 1405:18
1333:12 1335:5,15	1501:8,14,20 1502:2,	<b>COVID</b> 1401:2,12	<b>cutting</b> 1556:17
1336:20 1337:4	14,20,24 1503:4,17	<b>coworker</b> 1470:12,23,	<b>cyberbullying</b>
1338:15 1339:3	1504:12,14,17,20,22,25	25 1568:8,9	1503:15 1505:20
1342:11 1343:22	1505:3 1506:14,18,25	<b>coworkers</b> 1542:18	1507:2,13 1508:7,9,10
1346:18 1348:10,12	1509:7,13,16,18,19	<b>create</b> 1490:10 1510:8	1538:11,12 1554:25
1349:19,21 1350:11,13	1510:17,21 1511:4,9,17	1531:10 1553:7	
1351:11 1353:5	1516:9,12 1522:15,18	<b>creates</b> 1490:23	
1354:14 1356:1,6	1523:24 1526:17,20	<b>credibility</b> 1376:9,10	
1358:12 1362:11,14	1531:15 1533:18,21	1377:10	<b>D</b>
1363:24 1366:10,15	1536:13,16 1539:3,7,	<b>credit</b> 1480:19 1524:20	<b>daddy</b> 1410:1,4
1368:9,12 1369:23	13,16 1540:3,7,8,23	1525:10 1599:13	<b>daily</b> 1560:5 1574:4
1370:13 1371:3,6,15,18	1541:1 1543:4,8	<b>crew</b> 1588:7	<b>Dallas</b> 1350:5 1352:10
1372:1,9,13,17,18,23	1546:5,7 1548:24	<b>cried</b> 1349:13	1485:13 1512:6
1373:5,11,12,19,22	1549:3,10,23 1550:5,9,	<b>criticizing</b> 1500:15	1520:14,16 1604:12
1374:24 1376:12	14,15 1551:12,20	<b>cross</b> 1493:9 1508:18	<b>damage</b> 1295:19
1377:2,4,11 1378:6,11,	1552:17 1555:11,13,15,	1509:22	<b>damages</b> 1288:13
15 1379:6,24 1380:13,	18,21,25 1556:4,9,16,	<b>cross-examination</b>	1299:17 1493:20
21 1381:8,22 1382:2	19 1557:3,4,7,12,16,21	1307:4 1405:1 1551:21	<b>darn</b> 1440:8
1383:16 1384:11,13	1558:5 1561:5,8,11,22	1571:6 1580:10 1584:7	<b>date</b> 1328:4,7,9
1385:6 1386:4,10	1564:22 1565:3	1607:1	1330:24 1541:7
1388:11 1389:5,16	1567:18 1571:5 1572:5,		
1390:13,17,21 1391:3,	7,11,15,18,22 1573:1,9		
9,13,17,23 1392:12,22	1576:16 1580:11		
1393:8,23 1394:2,8,9,	1583:11 1584:8,15		
14,16,20 1396:12,15	1585:12,15,18,23		
1403:21 1404:22	1586:2,5 1588:13		
1405:18 1414:18	1592:2,8,11,15 1593:2,		
1415:14 1416:10	11,16 1603:25 1604:3,		
1418:12,17,22 1419:13,	23 1606:24 1607:23		
	1608:19 1609:4 1610:6,		
	9,16,19 1611:6,14,25		

1589:12	21 1571:25 1583:20,25	<b>deny</b> 1500:22 1501:1	<b>determining</b> 1512:21
<b>dates</b> 1525:1 1560:19	1594:2,4 1599:14,16,	<b>department</b> 1365:5	1578:25
<b>daughter</b> 1296:9	21,22,24 1600:18,22,23	1384:3,4 1548:6	<b>detrimental</b> 1569:22
1300:17 1302:20	1602:23 1603:2,3,6,18	1563:7,8,9 1575:13	1596:20
1303:10 1306:16	1604:10,13,15 1605:14	1577:11	<b>devastated</b> 1582:12
1398:10,21 1408:12	1606:16	<b>departments</b> 1563:6	<b>DG</b> 1577:5,8
1476:24	<b>decision-maker</b>	<b>depend</b> 1501:25	<b>diagnosed</b> 1298:7
<b>Dawn</b> 1405:20	1488:7	<b>depending</b> 1340:16	<b>dialogue</b> 1341:4
<b>day</b> 1287:7,8 1293:20	<b>decision-makers</b>	<b>depicted</b> 1613:21	1359:16 1360:21
1301:9 1334:15 1366:3	1488:21	<b>depicting</b> 1601:1	1361:17 1369:8
1405:19 1408:17	<b>decisions</b> 1482:9	<b>depos</b> 1480:14	1470:15 1595:21,25
1409:2,3,17,19 1412:25	1501:12	<b>deposition</b> 1310:19	1597:9
1422:22 1424:1	<b>dedicated</b> 1534:10	1315:18 1400:22	<b>Diego</b> 1575:16
1431:11 1451:2	<b>deemed</b> 1570:13	1427:7 1480:5,6,23	<b>difference</b> 1322:11
1484:12 1493:13	<b>deeply</b> 1340:6	1485:23	1332:20 1376:21
1527:3,25 1528:23	<b>Defendant</b> 1287:13	<b>depth</b> 1443:19 1473:20	1517:18
1567:1 1569:12,13	<b>defendants</b> 1314:12	<b>derogatorily</b> 1485:12	<b>differentiation</b> 1381:2
1604:19 1606:19	1487:5 1508:21	<b>derogatory</b> 1607:9	<b>differently</b> 1368:21
1616:5	<b>defense</b> 1287:23	<b>describe</b> 1308:8	1460:12
<b>days</b> 1293:5 1328:12,	1288:2,6,9,15 1392:4	1405:23 1407:4	<b>difficult</b> 1466:6
16 1406:11 1409:8,16,	1495:22,25	1521:17 1534:7 1540:1,	<b>dinner</b> 1297:13
19 1410:15 1505:10	<b>define</b> 1337:6	10 1541:10 1554:11	<b>Dippa</b> 1445:24
1526:12	<b>defined</b> 1299:10	1591:15 1597:12	1446:2 1447:18
<b>DC</b> 1345:17 1389:23	<b>degrading</b> 1363:15	<b>describing</b> 1525:15	<b>direct</b> 1288:23 1379:11
1519:18	<b>degree</b> 1431:22,23	<b>description</b> 1331:5	1472:4 1473:7 1478:4
<b>deal</b> 1329:24 1330:1	1487:19 1583:18	1574:11	1511:18 1516:21
1340:11	<b>deliberations</b> 1619:7	<b>designate</b> 1617:12	1519:14 1521:7
<b>dealing</b> 1306:20,21	<b>delivered</b> 1547:13	<b>designates</b> 1528:14	1531:12 1558:7 1566:3
1338:4 1411:2	<b>Delta</b> 1301:5,7 1400:19	<b>designation</b> 1527:13	1568:20 1573:15
<b>deals</b> 1384:3	1575:12	1528:16 1529:18	1580:9 1584:5
<b>dealt</b> 1294:19 1314:8	<b>demeanor</b> 1597:20	<b>designations</b> 1527:9	<b>directed</b> 1347:16
1322:15 1384:24	<b>Denise</b> 1342:22	<b>designed</b> 1361:5	1495:6 1500:18
1387:4 1517:21 1518:1	1343:15 1517:4,12	<b>desk</b> 1520:13,21	<b>directly</b> 1328:20
<b>death</b> 1294:22	1531:19 1586:9 1590:2	1521:5	1433:12 1514:8
<b>debate</b> 1345:10	1594:1 1599:17	<b>detail</b> 1610:25 1611:1	1565:22
<b>December</b> 1512:2	<b>denotes</b> 1527:10	<b>details</b> 1580:2	<b>director</b> 1411:18,21,23
1526:1 1530:17,18	<b>Denver</b> 1302:17,19	<b>determination</b>	1518:22 1559:2,6,10
<b>decide</b> 1290:10	1303:11 1410:14	1515:16 1599:18	1560:23,24 1565:11
1577:10	1524:16 1573:22	<b>determine</b> 1580:17	<b>Directors</b> 1546:19
<b>decided</b> 1461:21	1574:15,22 1576:4,5,7	1605:24	<b>disagree</b> 1487:18
<b>deciding</b> 1488:8	1590:10,23 1603:14	<b>determined</b> 1548:15	<b>disagreed</b> 1338:18
<b>decision</b> 1307:21,24	1614:1	1605:21 1615:6,7	1359:3
1328:14 1402:23	<b>Denver-based</b> 1329:9		<b>disappointed</b> 1563:25
1488:25 1489:14	1613:23		<b>disciplinary</b> 1610:22
1490:7,25 1504:11			
1547:17,25 1549:14,15			
1550:3 1555:8 1564:14,			



<b>discipline</b> 1334:8 1336:7 1375:10 1376:18 1385:15,18 1491:12 1515:17 1518:10 1522:12 1543:23 1544:6,12 1548:17 1559:23 1580:17,23 1602:14,17 1611:1,2 1612:16,21	<b>discussion</b> 1361:21 1379:20 1380:2 1451:1 1474:19 1519:17 1582:13 1598:22  <b>discussions</b> 1411:9 1432:8 1580:23  <b>disgusted</b> 1348:5,19  <b>disgusting</b> 1348:20 1367:19,23 1368:24,25 1369:3  <b>disheartened</b> 1578:5  <b>dismissal</b> 1433:6  <b>disorder</b> 1298:11 1300:9  <b>disparate</b> 1499:21 1553:7  <b>disparately</b> 1492:20  <b>displayed</b> 1458:16 1534:14  <b>dispute</b> 1422:23 1468:18 1494:10,11  <b>disputes</b> 1559:20  <b>disregard</b> 1362:15 1384:14 1433:15 1434:4,16 1493:22  <b>disrespect</b> 1602:5  <b>dissent</b> 1325:14 1426:3 1429:24 1449:8, 13  <b>distinct</b> 1493:3,14  <b>distraught</b> 1483:14  <b>distributed</b> 1547:8,10  <b>districts</b> 1399:2  <b>disturbing</b> 1578:11  <b>diverse</b> 1459:23 1460:2 1564:9  <b>Divine</b> 1402:1,19 1411:21,24  <b>division</b> 1562:18 1563:8,9  <b>divisions</b> 1560:9  <b>doctor</b> 1296:19 1299:1	<b>document</b> 1295:11 1312:5 1313:19 1318:21 1327:22 1328:2,23 1331:5 1334:22 1337:15 1359:23 1362:13,19 1370:21 1377:25 1390:25 1391:5,8 1392:8 1394:12,24 1441:13 1503:10,21 1504:13 1507:14 1508:16 1510:2 1516:16 1521:8 1524:1, 11,14 1525:6,7 1531:18,19 1533:12,23 1534:2 1536:2,18,22 1539:10,12,18,19 1540:1,2,10 1541:3,8 1543:10,13,25 1544:9 1546:9,13,15 1565:6 1568:14 1585:5 1588:16 1592:4,13 1593:4,10 1595:16 1606:3 1608:17 1609:15 1613:18 1615:3  <b>documentation</b> 1361:7 1439:18  <b>documents</b> 1301:22 1306:1 1307:18 1310:24 1311:1,13 1312:10,15,23 1314:20 1333:20,22,25 1475:11 1522:1,4 1524:11 1525:15,17 1538:21 1548:6 1554:12 1588:11 1591:12,15,17 1593:19,23 1594:20  <b>dog</b> 1303:5  <b>domicile</b> 1444:19  <b>Don</b> 1314:16,24 1341:15  <b>Donna</b> 1444:14,15,17, 18 1447:15  <b>door</b> 1303:2 1380:5  <b>doors</b> 1303:1  <b>double-edged</b> 1432:23  <b>doubt</b> 1446:19  <b>dozens</b> 1492:14	<b>drawn</b> 1378:20  <b>dress</b> 1364:5,6 1566:11  <b>drinking</b> 1302:21 1306:13,20  <b>driving</b> 1297:18  <b>drove</b> 1297:17  <b>drug</b> 1297:19  <b>drugged</b> 1297:5  <b>drunk</b> 1303:9  <b>due</b> 1297:25 1356:21 1362:6 1519:7 1579:21, 24 1602:17  <b>dues</b> 1321:20 1322:24 1346:13 1407:10 1459:22 1461:15 1462:8,12 1469:16 1470:17 1471:15 1487:25 1602:22  <b>dues'</b> 1489:25  <b>dues-paying</b> 1352:16 1389:12  <b>duly</b> 1511:7 1557:19 1573:7  <b>duplicative</b> 1585:20  <b>duties</b> 1370:1 1527:14 1574:4 1601:6  <b>duty</b> 1304:20 1365:25 1369:20 1379:12 1414:4,7,10,21 1418:6 1419:8,18 1420:21 1421:3,9 1453:23 1498:21 1523:6 1529:8 1552:13 1575:19 1619:3  <hr/> <b>E</b> <hr/> <b>ear</b> 1618:9  <b>earlier</b> 1309:14 1358:5 1374:2 1377:21 1396:15 1406:3,5 1427:6 1434:5 1440:21 1484:12 1488:12 1496:1 1530:22 1548:3 1553:20 1588:4,19 1602:4 1611:15 1618:20
--	---	--	--

<b>early</b> 1372:3 1486:19, 20 1577:19	<b>elected</b> 1315:8	1323:3 1331:24 1342:3	<b>ends</b> 1362:1
<b>earn</b> 1400:25 1401:10 1476:23	<b>election</b> 1481:19 1487:24 1598:23	1365:7 1375:6 1376:18, 23 1384:7 1482:24	<b>enforced</b> 1514:3
<b>earned</b> 1401:8	<b>electronic</b> 1547:12	1484:23,24 1492:5	<b>engage</b> 1292:1,13 1293:1 1294:25 1478:5 1568:3
<b>earning</b> 1302:10	<b>electronically</b> 1547:13 1570:15	1498:4,13,15 1499:17 1515:24 1517:13,19 1518:1 1523:5 1524:14, 15 1535:2,13,18 1538:13 1541:21	<b>engaged</b> 1291:16 1496:12
<b>earnings</b> 1396:20 1397:3	<b>element</b> 1488:4	1542:5,6,17 1543:16 1544:5,17 1563:7	<b>engages</b> 1499:12
<b>easier</b> 1496:10	<b>elements</b> 1493:16	1566:9 1567:5 1571:16, 20 1572:1 1577:5,9,12 1578:7 1579:5,11,21	<b>engrained</b> 1569:15
<b>easy</b> 1408:23	<b>elicit</b> 1595:24	1589:12,14 1590:2 1600:10,14 1602:6 1603:4 1612:13,15	<b>enhance</b> 1532:24 1533:1
<b>eating</b> 1296:21	<b>eliminated</b> 1375:10		<b>ensure</b> 1552:24 1562:22,25
<b>echo</b> 1495:6	<b>else's</b> 1319:16 1355:23 1356:4,6 1444:4		<b>ensures</b> 1564:6
<b>ed</b> 1343:7,16 1357:20 1361:25 1454:17 1489:20 1497:2 1498:2 1521:24 1547:23 1572:21 1573:7,21	<b>email</b> 1314:5 1315:5 1324:20,21,25 1325:2, 3,7 1338:22 1388:18 1471:11 1505:4 1516:19,25 1517:4 1518:12 1519:16,19 1532:17 1561:16,18 1562:5,13,15 1576:20, 22,24 1577:4,12 1585:8 1586:9 1588:17 1592:18,21 1593:7 1608:9 1619:21	<b>employees</b> 1370:5,18 1375:3 1380:11 1381:14 1491:5 1498:22 1499:14,16,22, 24,25 1500:13 1513:23 1534:18,20 1535:20,21 1538:2,6 1540:13,15 1541:15 1542:4 1543:18 1544:23,25 1545:5,8 1546:18,20 1552:3 1565:21 1566:9, 18 1567:4,11,15 1568:3 1569:6,10 1570:6 1571:2 1574:5 1601:8, 21,23 1602:1,12 1609:9 1614:1	<b>entering</b> 1512:17 1517:24
<b>Edie</b> 1308:16 1342:23 1590:3			<b>entered</b> 1288:19 1382:1 1453:6 1510:20 1557:11 1572:25 1588:17
<b>Edith</b> 1579:9			<b>entertain</b> 1504:7
<b>education</b> 1413:2,9	<b>emailed</b> 1324:20,24		<b>entire</b> 1432:24 1547:2 1577:9
<b>educational</b> 1411:17, 20,23	<b>emails</b> 1490:5 1519:25 1551:3 1583:15,19 1584:4,11 1619:22		<b>entirety</b> 1350:21
<b>Edward</b> 1287:16		<b>employer</b> 1395:4	<b>entitled</b> 1600:12
<b>EEOC</b> 1391:20,24 1498:12	<b>embedded</b> 1487:23	<b>employment</b> 1298:22 1397:19,25 1398:13 1400:5 1401:23 1488:9, 23 1489:22 1491:4 1522:21 1523:15 1547:18 1548:8 1564:15 1583:20 1600:19 1603:19 1604:11 1606:17	<b>entries</b> 1529:16 1530:2
<b>effect</b> 1320:1,22 1494:3 1495:7	<b>emergency</b> 1297:4		<b>enumerated</b> 1497:8,9
<b>efficient</b> 1591:4	<b>Emlet</b> 1501:11,22 1502:5,19,20 1504:3 1509:11,13 1511:3,4,7, 9,21,22 1516:22 1548:19 1550:18 1551:23 1554:5 1556:15 1560:14 1563:11 1579:12,13,17 1586:10 1594:23 1599:20 1600:1 1605:6		<b>enumerates</b> 1499:9
<b>effort</b> 1340:21		<b>end</b> 1336:21 1416:19 1417:15 1420:4 1451:2 1493:13 1494:24 1526:1 1556:21 1585:24	<b>environment</b> 1412:12 1534:18
<b>efforts</b> 1398:12 1408:5 1411:3 1498:9	<b>emotional</b> 1349:1 1351:4	<b>end-of-the-day</b> 1452:25	<b>equal</b> 1357:4 1358:3,7, 10,22 1359:1 1374:2,4, 6
<b>egregious</b> 1335:1 1404:16 1566:13	<b>employed</b> 1511:24 1558:14,16 1574:23 1586:16 1615:15,23	<b>ended</b> 1297:1,3 1314:9 1402:5 1505:13	<b>equally</b> 1569:10
<b>egregiousness</b> 1564:12 1600:24 1602:18	<b>employee</b> 1293:9,23 1294:2,11 1322:18,21		<b>equivocated</b> 1377:6
<b>eight-minute</b> 1502:4, 15 1506:20			<b>escalate</b> 1601:15
<b>Eighty-three</b> 1516:9			<b>escalation</b> 1601:3
<b>elaborate</b> 1366:11			<b>essentially</b> 1298:15 1307:24
<b>elaboration</b> 1335:9 1346:21			<b>establish</b> 1312:7 1489:3
			<b>established</b> 1318:22

1575:23	1573:15 1580:5	1476:25 1477:2,17	1517:18 1534:2
<b>establishing</b> 1549:20	<b>examine</b> 1507:21	1478:1,2,18 1486:3,6,9	1536:21 1543:13
<b>estimate</b> 1475:19	<b>examined</b> 1505:25	1497:3,4 1498:24	1548:2 1559:9 1573:19
1476:10,11,13	<b>examples</b> 1537:2	1499:19 1502:19,25	1578:3 1580:2 1581:5
<b>evaded</b> 1498:8	1543:25 1544:1	1503:11,16,25 1504:22,	1583:18 1584:10
<b>evasive</b> 1339:12	<b>exceed</b> 1472:18	25 1505:8,15 1506:8,	1589:4,15 1593:7
<b>evening</b> 1410:19	<b>exceeded</b> 1293:10	15,21 1507:1,4,7,15	<b>explained</b> 1338:14
<b>event</b> 1500:14,15	1472:11,15 1473:6	1509:23 1510:13	1403:1 1478:14
1589:15	<b>excellent</b> 1416:3	1516:7,8,17 1523:20,21	1490:20 1599:1
<b>events</b> 1591:19	<b>exception</b> 1290:9,11	1524:2,8 1529:6	<b>explaining</b> 1337:2
<b>eventually</b> 1482:12	1452:2	1531:12,17 1533:10,16,	<b>explanation</b> 1337:5
1547:12	<b>excerpted</b> 1571:24	24 1536:8,11,19	1595:23 1596:6
<b>everybody's</b> 1459:18	<b>excessive</b> 1332:14	1537:18 1538:3,25	<b>explicit</b> 1537:25
<b>evidence</b> 1295:12	<b>exchange</b> 1331:4	1540:24 1543:1,3,11	<b>explicitly</b> 1499:20
1301:21,23 1306:2	<b>exclude</b> 1375:8	1545:24 1546:4,10	<b>explore</b> 1324:23
1311:22 1312:5,19	<b>excluded</b> 1299:3	1561:2 1576:14 1583:8	<b>express</b> 1609:19
1313:20 1318:21	<b>exclusive</b> 1498:21	1585:10,14,22 1586:1,	<b>expressed</b> 1333:14
1327:23 1355:14	<b>excuse</b> 1353:18	3,8 1588:2,10,12	<b>expressing</b> 1333:15
1371:2,6 1375:13	1465:24 1491:16	1591:24 1592:1,4,14	<b>expression</b> 1365:16
1378:22,25 1379:1,8	1559:7 1575:7	1594:7,9 1604:21	1382:10,12 1551:7,8
1394:13,16 1396:12	<b>excused</b> 1555:22	1608:6,20,23 1609:13	<b>expressions</b> 1481:3
1397:11 1403:6	1556:15 1572:13,17	<b>exhibits</b> 1301:12,23	<b>extent</b> 1366:12 1376:15
1432:25 1480:25	<b>excusing</b> 1572:15	1305:16,22 1306:2	1380:8 1393:12
1481:1,4 1488:6,10,17,	<b>executing</b> 1370:18	1373:21 1374:9 1505:6,	1414:14 1439:20
20 1489:19 1490:4,12,	<b>execution</b> 1376:24	7,11,14 1506:6 1508:22	1452:10 1454:7,11
13 1491:21 1492:2,13,	1377:1	1561:4,7 1585:20	1468:1 1582:14
18 1493:19,21 1496:19	<b>executive</b> 1314:7	1617:19	1583:21 1604:9
1503:2 1506:1,16	1407:19 1423:10	<b>exit</b> 1520:21	<b>external</b> 1534:12
1516:17 1524:2	1490:7	<b>exited</b> 1373:4 1450:24	<b>externally</b> 1534:22
1531:13 1533:24	<b>exert</b> 1555:3,7	1487:3 1556:13	<b>extra</b> 1617:2
1536:19 1539:4	<b>exhaust</b> 1393:10	1572:24 1616:12,23	<b>extreme</b> 1298:3
1543:11 1546:10	1494:14	<b>expand</b> 1513:19	<b>eyes</b> 1436:9
1561:2 1576:15	<b>exhausted</b> 1392:2	1596:22	
1582:24 1583:11	<b>exhaustion</b> 1392:13,	<b>expect</b> 1360:20	<b>F</b>
1585:21 1586:11	23	<b>expectation</b> 1360:22	
1589:17 1591:25	<b>exhibit</b> 1295:4,12	1545:4	
1592:5,14 1593:9	1301:14,25 1311:19	<b>expectations</b> 1543:18	
1594:7,16 1599:9	1313:20 1317:15	1565:15 1567:5,10,11,	
1604:21,23 1608:20	1327:7,8,23 1355:13	12,14 1569:18	
1611:3 1618:22	1363:23 1379:20	<b>expected</b> 1534:22	
<b>evoke</b> 1351:7	1380:2 1382:3 1390:23	<b>expends</b> 1488:1	
<b>exact</b> 1321:14 1323:22	1391:2 1394:10,13	<b>experience</b> 1340:5	
1347:12 1358:18	1396:11 1475:9	1346:3 1479:4 1520:8	
1397:1 1405:19 1441:6		1553:16	
1567:21		<b>expert</b> 1298:16,23	
<b>examination</b> 1288:23		<b>explain</b> 1296:16	
1389:9 1474:17		1302:16 1313:4	
1502:11 1505:17		1410:12 1419:12	
1511:18 1558:7		1433:20 1435:24	
		1483:15 1513:1	

5,17 1466:17,25	<b>factual</b> 1424:8 1473:13	<b>fear</b> 1553:19	<b>finalized</b> 1591:8
1468:10 1477:3	<b>factually</b> 1392:17	<b>feared</b> 1553:16	<b>finally</b> 1397:18 1411:1
1478:25 1485:7	<b>failed</b> 1448:4 1494:13	<b>February</b> 1512:11	1492:19 1546:24
1496:15,17 1500:8	1553:5	1525:9,12 1526:4	<b>find</b> 1290:18 1334:7
1520:1 1521:21	<b>failing</b> 1498:14	1559:7 1560:17	1359:23 1378:18
1530:25 1531:5,7	<b>fails</b> 1427:5 1492:25	<b>federal</b> 1493:23	1433:10 1447:12
1532:1,2 1533:4	<b>failure</b> 1393:9 1493:16	<b>feedback</b> 1359:14	1463:12 1478:19
1538:23 1544:16,17	1497:19	1360:5,7,9,12	1506:9 1508:11 1547:2
1580:7 1581:2,6,7,21	<b>fair</b> 1304:21 1305:2,4,	<b>feel</b> 1458:10 1464:17	1597:9
1582:17 1584:12	11 1307:13,25 1310:13,	1581:15 1599:6 1602:7	<b>finding</b> 1592:17,20
1586:15,18,21 1588:24	15 1311:14,17 1314:25	<b>feeling</b> 1404:18	1593:13
<b>faces</b> 1317:21	1322:4 1328:7 1329:25	1581:23	<b>findings</b> 1442:18,19
<b>facility</b> 1484:19,20	1330:25 1332:1	<b>feels</b> 1463:23 1579:3	1444:1 1448:13,18
<b>fact</b> 1288:7 1291:12	1337:11,13 1342:8,16	<b>fees</b> 1500:10	<b>fine</b> 1335:8 1372:13
1292:6 1298:1 1303:18	1347:19 1348:2 1354:6	<b>fell</b> 1410:20	1391:11 1451:15,21
1329:20 1330:4 1338:8	1355:10 1357:4 1358:2,	<b>fellow</b> 1322:9,18,21	1452:1 1473:15 1495:2
1340:23 1341:25	7,22 1359:5 1360:18	1326:2 1372:23	1502:6 1508:15
1349:22 1355:8	1366:25 1369:15,20	1422:14 1450:19	1509:15 1510:14
1367:18 1375:19	1379:12 1387:21	1486:22 1556:9 1601:7	1540:4 1556:20,21
1376:15 1384:17	1388:8,24 1397:16	1616:7	1617:9
1400:1 1403:5 1414:17	1399:14 1405:13	<b>female</b> 1361:6	<b>finger</b> 1459:16
1456:17 1460:14	1406:1,8 1411:7 1421:3	<b>felt</b> 1417:6 1458:8	<b>finish</b> 1294:7 1324:9
1475:5 1479:8 1491:6	1425:3,8 1430:1 1436:9	1495:12 1520:19	1330:7 1337:4 1348:15
1495:16 1505:19	1441:9,25 1446:9	1601:5	1363:3 1386:19 1431:3,
1521:22 1541:23	1448:1,14 1450:2	<b>Ferguson</b> 1412:15	5,21,22 1439:7 1618:5,
1542:10 1552:5	1455:16 1456:22,25	<b>fetus</b> 1385:2	7
1569:15 1570:15	1457:6,8 1458:24	<b>fetuses</b> 1340:15	<b>finished</b> 1326:14,22,24
1583:23 1584:23	1460:9,21 1463:25	<b>fetuses/babies</b>	1348:9,17 1386:19
1585:1 1592:17,20	1599:6 1611:23 1615:2	1351:24	1401:2 1453:21
1593:13 1594:6 1600:8	<b>fairly</b> 1318:6 1417:6	<b>fiduciary</b> 1414:4	<b>fire</b> 1479:9 1497:12
<b>fact-finding</b> 1289:8,14	<b>faith</b> 1365:16 1458:21	1453:23 1462:6	<b>fired</b> 1301:3 1306:22
1304:23 1305:1 1321:4	1485:22	<b>Fifty</b> 1585:12	1339:10 1370:20
1334:15 1337:23	<b>fall</b> 1314:18	<b>fight-and-flight</b>	1427:15 1456:16
1342:15 1343:12	<b>falls</b> 1459:11	1296:20 1298:2	1478:22,24 1479:4
1344:22 1355:17	<b>false</b> 1442:22,25	<b>figure</b> 1417:9	1496:14,18 1497:13,17
1359:12 1365:9	1443:1 1614:16	<b>figured</b> 1357:6 1395:18	1498:12 1499:17
1367:17 1383:3	<b>familiar</b> 1360:3 1514:9,	<b>file</b> 1293:10 1332:7	<b>firing</b> 1335:2 1498:13
1414:13,17,22,25	23	1450:1 1508:23 1523:4,	<b>fit</b> 1584:24
1415:11,16,22 1418:7	<b>familiarize</b> 1546:20	5 1619:15	<b>Fitch</b> 1498:13
1419:9 1431:12	<b>family</b> 1296:10,23	<b>filed</b> 1371:24 1559:21	<b>fixated</b> 1509:25
1454:16 1490:20	1300:17 1340:10	<b>filing</b> 1392:1	<b>flash</b> 1306:4
1497:7,22 1503:12,19	1406:4 1570:8,20	<b>filings</b> 1619:21,22	<b>flesh</b> 1433:2
1507:3 1522:6,7	1587:7	<b>flies</b> 1545:17 1547:5	<b>flew</b> 1303:16 1527:3,6,
1589:1,9,10,19 1590:9,	<b>family-type</b> 1602:7	<b>flight</b> 1291:13 1310:12	23 1575:3
12 1591:13 1592:6	<b>fault</b> 1486:7		
1593:25 1594:21	<b>favorably</b> 1458:19		
1595:3,6 1597:20	1459:15 1495:13		
1598:3,7,11 1599:15			
1601:18			
<b>factor</b> 1496:25 1497:8,			
10			
<b>facts</b> 1366:14 1390:12			

1322:9 1326:2 1329:9 1333:7 1352:21 1353:17,18 1356:17,22 1357:3,7 1359:3,10 1364:11 1370:16 1387:7 1389:13 1390:9 1395:15,20,24 1435:3 1439:14 1482:24 1491:22 1512:15,16,18, 22 1513:10,14,20,21 1514:10 1517:24 1522:24 1523:5,14 1524:5 1527:12 1528:23 1529:19,21 1531:7,8 1532:3,24 1534:4 1536:1,3,4 1538:8 1542:11,15 1545:16 1546:25 1547:1,5,11 1552:22 1554:8,14,20 1559:3,4, 17 1560:10 1565:13 1573:22,25 1574:1,3, 12,14 1575:1,3,9 1580:24 1587:3 1590:10,24 1609:16,23	<b>flights</b> 1536:6  <b>flip</b> 1583:9 1594:10  <b>flipping</b> 1402:21  <b>floor</b> 1295:21  <b>flow</b> 1450:14  <b>flowery</b> 1566:12  <b>flown</b> 1330:4,14  <b>fly</b> 1302:13,20 1303:18 1330:2 1397:9 1410:3, 15,17,19 1501:12 1525:1,11,23 1529:9, 12,17 1536:1 1545:14, 22,25 1554:24 1565:8 1569:13  <b>flying</b> 1302:19 1329:25 1410:3,9 1411:10 1481:23 1524:22 1529:14,22 1530:2,4,7, 11,15,18 1545:19 1554:21  <b>focus</b> 1512:15  <b>focused</b> 1509:21 1553:21  <b>focusing</b> 1505:17,19	<b>folder</b> 1409:13,14  <b>Foley</b> 1430:14 1436:21 1437:11 1459:11 1615:13  <b>folks</b> 1563:3,5  <b>follow</b> 1340:21 1547:1 1604:17  <b>food</b> 1346:14  <b>foreclosed</b> 1610:21  <b>foremost</b> 1535:13,18  <b>forever</b> 1290:16 1566:6  <b>forget</b> 1339:16 1484:22  <b>forgive</b> 1417:3  <b>forgot</b> 1545:7  <b>form</b> 1602:13  <b>formal</b> 1617:23 1618:8, 16,22  <b>formulate</b> 1454:15  <b>Forty-four</b> 1523:24  <b>forward</b> 1334:24 1505:22 1518:25 1553:8 1554:2  <b>forwarded</b> 1517:10 1518:13,15,18 1521:7 1531:20 1577:4  <b>found</b> 1295:22 1334:25 1335:24 1343:8 1413:17 1455:20 1497:5 1503:22 1523:11 1536:3 1568:17 1588:23 1593:13  <b>foundation</b> 1294:1,10, 14 1313:13 1341:1 1392:20 1445:14,21 1564:20 1613:5  <b>fourth</b> 1429:23 1449:7  <b>fox</b> 1441:18  <b>frame</b> 1412:18 1580:18  <b>frames</b> 1562:25  <b>frankly</b> 1432:18 1490:18  <b>fraud</b> 1441:12,14	<b>fraudulent</b> 1443:24 1448:14,19  <b>free</b> 1293:1 1552:9 1571:15 1616:18  <b>freedom</b> 1295:1 1424:13 1470:15 1471:2 1616:19 1619:7  <b>frequently</b> 1481:21 1482:8  <b>Friday</b> 1289:3 1340:5 1347:24 1451:2 1503:1 1619:3  <b>friend</b> 1294:12 1302:24 1340:12 1421:15,18 1482:1 1587:6  <b>friends</b> 1435:1,5,6,9,11 1457:19 1458:14  <b>front</b> 1309:4 1310:22 1431:1 1445:18 1446:7, 18 1504:10 1593:24  <b>Frontier</b> 1301:10 1400:18  <b>Frye</b> 1452:22 1504:22 1511:5 1557:9,17 1573:5  <b>full</b> 1330:6 1397:19 1428:14 1475:12 1476:23 1558:9 1562:15  <b>full-time</b> 1304:7,10,14 1398:7  <b>fully</b> 1442:25  <b>funnier</b> 1619:2  <b>funny</b> 1354:19  <b>future</b> 1331:16 1433:17 1479:3,4,12	<b>gather</b> 1439:15  <b>gathered</b> 1548:4  <b>gave</b> 1293:6 1310:16 1325:13 1407:15,18,24 1423:7,13 1426:2 1601:12  <b>gee</b> 1463:23  <b>general</b> 1355:8 1429:24 1449:7 1491:18  <b>generally</b> 1354:11 1355:10 1521:17 1534:7 1541:10 1552:6 1591:15 1613:25  <b>generated</b> 1566:23  <b>genitalia</b> 1361:6 1363:20  <b>gentleman</b> 1304:22  <b>gentlemen</b> 1288:25  <b>get all</b> 1325:22 1443:20  <b>Gilliam</b> 1287:9 1372:8 1373:16,17,20 1376:13 1378:8,14,17 1379:22 1380:18 1393:4 1496:5, 9 1500:20 1557:6 1610:20 1611:22  <b>girl</b> 1346:5  <b>give</b> 1294:24 1300:20 1325:16 1330:11 1383:20 1389:7,9 1393:25 1396:24,25 1401:14 1410:22,24 1416:10 1423:9 1425:24 1452:23 1460:17 1475:13 1476:13 1479:8 1486:19 1509:10,14 1523:15 1543:25 1557:9,25 1580:2 1589:14,16 1599:12 1619:7  <b>giving</b> 1305:11 1330:6 1338:19 1465:1 1537:2 1567:21 1579:21  <b>glad</b> 1363:12  <b>glasses</b> 1397:5  <b>goal</b> 1311:9
--	---	--	--	---

---

**G**

---

**gain** 1607:12  
  
**gallery** 1435:18  
1436:15 1440:11  
  
**garage** 1303:1,2  
  
**Garcia** 1341:20  
  
**gate** 1387:12



<p><b>good</b> 1288:25 1289:1,2 1293:9 1307:6,7 1322:13 1334:19 1402:21 1405:3,4 1413:13 1417:8 1418:24 1458:1 1467:1 1482:1 1509:21,25 1510:6,10 1551:23,24 1591:4</p> <p><b>goodness</b> 1561:25</p> <p><b>gosh</b> 1303:3 1431:9</p> <p><b>grabbing</b> 1362:7</p> <p><b>graciously</b> 1510:25 1618:25</p> <p><b>graduated</b> 1398:23</p> <p><b>Grant</b> 1518:18,23 1519:14 1521:11 1531:21</p> <p><b>granted</b> 1324:3,16 1378:23 1384:13</p> <p><b>graphic</b> 1564:12 1577:13 1578:6 1596:17 1601:1,16 1602:6</p> <p><b>gratuitously</b> 1432:4</p> <p><b>great</b> 1416:4 1427:20 1487:11 1570:4 1582:14 1583:21 1591:5 1601:2,9</p> <p><b>greatest</b> 1604:9</p> <p><b>GREEN</b> 1419:3</p> <p><b>Greenfield</b> 1287:15,21, 25 1295:7 1299:5 1301:17 1305:24 1327:17 1376:1 1377:3, 5,22 1378:18 1380:3 1381:1 1404:23 1405:2, 8 1414:20 1415:17 1416:20 1419:16 1420:12,19 1421:4 1424:22 1426:18 1427:10 1429:1 1432:22 1434:20,21,22 1435:19,24 1436:1,4,18 1437:7 1439:9 1440:2 1442:16 1443:17 1445:22 1449:5,6 1450:12,15 1453:4,8,9 1454:9 1455:10</p>	<p>1456:21 1462:24 1463:3,11,18 1464:1,4, 14 1465:3,7,14,18,24 1466:4,5 1467:19,23 1468:16 1469:4,14,18, 20,25 1470:6 1471:24 1472:3,23 1473:3,8,10 1479:22,23 1484:22 1494:21,25 1495:4 1523:23 1533:20 1536:15 1543:7 1546:6 1551:20,22,25 1553:3 1571:5,7,10 1592:10 1606:24 1607:2 1608:3, 5,8,25 1609:7,12,14 1610:7,10,11 1611:12 1612:8,22,23 1613:1,9 1614:20,22 1617:16,17</p> <p><b>Greenfield's</b> 1572:9</p> <p><b>Greg</b> 1430:21 1437:21</p> <p><b>grievance</b> 1337:9,21 1342:16 1559:19</p> <p><b>grievances</b> 1308:12 1559:21 1560:2</p> <p><b>grievant</b> 1329:9</p> <p><b>grieve</b> 1335:20</p> <p><b>gross</b> 1566:13 1570:10, 12</p> <p><b>grounds</b> 1299:4 1374:12</p> <p><b>group</b> 1334:13 1348:21 1409:20 1449:16 1459:24,25 1460:3,21 1512:15,16 1513:14 1517:23 1547:6 1551:4 1559:4,16 1564:9 1565:14 1577:9,10 1584:25 1602:11</p> <p><b>groups</b> 1560:7,8 1579:4</p> <p><b>growing</b> 1409:6</p> <p><b>guard</b> 1611:9</p> <p><b>guarding</b> 1441:19</p> <p><b>guess</b> 1328:10 1336:2 1338:7 1339:7 1360:2 1381:1 1386:23 1388:2 1463:24 1500:7 1519:10 1544:17 1565:20 1592:5,6</p>	<p>1617:10,20</p> <p><b>guidelines</b> 1540:12 1579:19,20 1599:21,22, 23</p> <p><b>Gutierrez</b> 1342:22 1343:1,15 1360:3 1361:18 1516:24 1517:4,12 1518:11 1519:24 1521:21 1531:20,23 1578:25 1585:6 1586:9 1590:2,6 1594:1,14,24 1599:17 1606:10 1617:12</p> <p><b>Gutierrez's</b> 1578:23</p> <p><b>guy</b> 1310:11</p> <p><b>guys</b> 1432:22 1435:11</p> <hr/> <p style="text-align: center;"><b>H</b></p> <hr/> <p><b>habits</b> 1601:9</p> <p><b>half</b> 1413:17 1529:25 1530:1 1581:22</p> <p><b>half-day</b> 1452:24</p> <p><b>hand</b> 1436:22,23 1438:2 1557:17 1611:7</p> <p><b>handbook</b> 1540:13,14</p> <p><b>handed</b> 1483:18 1484:8 1594:20</p> <p><b>handful</b> 1405:12</p> <p><b>handing</b> 1501:3</p> <p><b>handled</b> 1441:24 1442:15 1443:16</p> <p><b>handling</b> 1339:9</p> <p><b>hands</b> 1375:17</p> <p><b>handwritten</b> 1508:3</p> <p><b>handy</b> 1585:22</p> <p><b>hang</b> 1359:22 1479:16</p> <p><b>Hannah</b> 1303:12,15</p> <p><b>happen</b> 1400:10 1551:2</p> <p><b>happened</b> 1301:9 1303:4,22 1333:17 1334:21 1336:5 1388:17 1415:2</p>	<p>1456:15 1503:7 1527:21 1580:3,18,24 1581:17,18,20 1582:24 1589:15 1596:19</p> <p><b>happening</b> 1336:9</p> <p><b>happy</b> 1504:20 1506:13</p> <p><b>harassing</b> 1537:14,24 1584:4</p> <p><b>harassment</b> 1331:19 1358:2,22 1536:24 1537:3,4 1538:3,4 1552:9 1562:17 1571:16 1579:1 1584:22 1594:2 1599:19 1606:7</p> <p><b>harassment/sexual</b> 1599:19</p> <p><b>hard</b> 1456:14 1476:11, 12</p> <p><b>harder</b> 1618:7</p> <p><b>hardship</b> 1288:2</p> <p><b>harm</b> 1334:16 1462:7 1532:24 1533:1</p> <p><b>harmed</b> 1330:12 1430:23 1431:14 1435:7 1438:14,15 1441:7</p> <p><b>harming</b> 1292:16 1334:19 1370:19</p> <p><b>hat</b> 1322:22 1352:19 1361:22 1362:3,20 1363:17,20 1365:20 1368:1</p> <p><b>hateful</b> 1566:4</p> <p><b>hats</b> 1361:1,5,19 1362:5 1363:1,9,14 1364:17 1365:17 1367:19 1368:2,23 1537:16,25</p> <p><b>haul</b> 1502:7</p> <p><b>hazing</b> 1331:18 1344:14,15,17 1387:20 1503:9 1505:9 1514:5 1540:17 1541:5,12,24 1542:22 1544:10 1606:1</p> <p><b>head</b> 1438:5 1532:9</p>
---	---	---	---

1613:22 1614:25	1394:7 1434:1 1464:10	1343:22 1349:19	1450:8 1462:25
<b>headed</b> 1318:1	1474:9 1513:21 1540:6	1356:1 1358:12	1465:15,24 1466:4
<b>headquarters</b> 1520:15	1550:13 1553:13	1362:11 1363:3	1467:11 1469:25
1521:2 1535:25	1590:9 1612:5 1617:8	1366:15 1370:13	1471:24 1473:14
<b>heads-up</b> 1410:22	<b>helped</b> 1352:17	1419:13 1428:20	1474:16,25 1476:4
<b>health</b> 1300:17 1455:8	1408:20	1431:2,17 1439:6,23	1480:4 1483:4 1485:21
1460:4	<b>helpful</b> 1481:5	1449:2 1467:17	1486:2,11 1487:7,18
<b>Healthcare</b> 1489:14	<b>henhouse</b> 1441:19	1485:18 1522:15	1489:5 1491:9,14
<b>hear</b> 1318:10 1377:12	<b>Hensley</b> 1302:25	1526:17 1561:20	1493:1 1494:17,25
1383:11 1424:1 1426:2	1430:18 1437:17	1593:25 1614:9	1504:13,19 1505:2
1481:1 1494:20,21,23	1615:20	<b>holder</b> 1440:17	1506:10,24 1508:20
1496:2 1503:5 1507:23	<b>Herb</b> 1587:15,21	<b>holding</b> 1616:13	1510:16 1531:14
1565:4 1584:14 1610:5,	<b>Herb's</b> 1587:17	<b>holds</b> 1444:21	1543:7 1548:25
9 1614:11 1617:10,13,	<b>hey</b> 1300:19 1337:14	<b>Holly</b> 1430:23 1437:23	1551:19 1564:20
15,18,19	1341:3 1503:24	1609:17 1610:25	1572:4,6,10 1576:18
<b>heard</b> 1352:24 1365:4	1611:17	<b>home</b> 1302:25 1303:15	1586:4 1588:10
1366:3 1377:12,13	<b>Hibbit's</b> 1611:2	1398:10 1401:7	1592:10,19 1593:8
1380:6 1383:10 1384:5	<b>high</b> 1296:15 1374:19	1409:10 1528:12	1603:24 1608:13
1400:19 1407:3 1411:9,	1567:11,12,23	1542:6,8,15	1610:4,8,10,14,20
15 1412:17 1413:1	<b>higher</b> 1374:11	<b>homeschool</b> 1413:5	1611:13,22,23 1614:6
1418:1,15 1432:8	<b>highest</b> 1534:10	<b>homeschool-type</b>	1616:3 1617:17
1480:20 1560:13	1569:3	1412:12	<b>hope</b> 1369:7 1372:7
1599:4 1613:2 1615:14	<b>highlight</b> 1608:6	<b>homeschooled</b>	<b>hoped</b> 1360:14
<b>hearing</b> 1307:8,12,20,	<b>highly</b> 1429:13 1505:24	1398:21	<b>hoping</b> 1360:12 1369:9
23 1308:8,10,19	<b>Hill</b> 1287:10 1302:5	<b>homeschooling</b>	1595:20
1310:8,14,17 1311:3,9	1483:4,7 1516:11	1408:12,17,20,22	<b>horribly</b> 1430:24
1312:11,22 1315:19	1522:17 1523:22	1409:9 1411:11	<b>horrific</b> 1351:18
1316:3,22 1318:16	1526:14,19 1533:17	<b>honest</b> 1417:1	<b>hospital</b> 1297:1,7,19
1319:24 1320:9,20	1536:12,14 1539:1,11,	<b>honestly</b> 1360:23	<b>host</b> 1327:10
1321:6 1328:8,10,15	17 1540:22 1543:6	1364:13 1373:17	<b>hot</b> 1360:15 1455:5
1350:3,7,16 1416:6	1548:23 1549:11	1403:7,23 1443:4	<b>hotel</b> 1297:18 1346:14
1417:15 1419:17,19	1551:11 1552:15	1459:10 1463:4	1350:5 1352:10
1420:22 1497:22	1555:12,14 1556:18	1469:11	1542:13
1506:15	<b>hire</b> 1568:1	<b>Honor</b> 1287:25 1295:7,	<b>hour</b> 1450:22 1452:6
<b>hears</b> 1611:21	<b>historical</b> 1583:1,15	8,14 1297:23 1301:18	<b>hours</b> 1297:4 1388:7
<b>hearsay</b> 1297:21	1599:24	1305:24 1307:3 1308:2,	1408:16 1524:22
1298:25 1299:6	<b>history</b> 1334:1 1341:9	22 1309:1,25 1313:12	1528:25
1313:13 1343:19	1490:9 1548:14	1320:2 1327:9,17	<b>house</b> 1303:5,7,8
1522:15	1580:16,22,25 1581:7,	1333:11 1335:4,11	1401:6
<b>heart</b> 1298:3 1352:5,6	9,16,19 1583:22	1336:15 1337:1	<b>Housekeeping</b>
1369:17	1598:17 1599:12	1346:17 1348:8 1350:9	1556:14
<b>heated</b> 1422:19	<b>hit</b> 1401:2	1353:9 1355:22 1366:5	<b>hubs</b> 1513:10
1426:23	<b>Hofer</b> 1430:21 1437:21	1368:3 1369:11	<b>Hudson</b> 1501:19
<b>heavily</b> 1302:22	<b>hold</b> 1312:15 1317:23	1370:12 1371:1	1556:2,20,24 1557:7,
<b>heavy</b> 1406:13	1318:13 1320:6	1374:25 1376:1,11	15,16,19 1558:11,12
<b>Heck</b> 1429:16	1326:13 1336:20	1377:3,10,22 1378:18	1561:15 1565:10
<b>held</b> 1299:21 1310:2		1379:22 1381:1 1418:9	1571:8
1319:18 1372:16		1419:10 1424:6	
		1433:11,23 1435:17	
		1436:2,10 1442:3	

<b>huge</b> 1310:21 1345:23 1351:17 1376:21	<b>Imomovich</b> 1430:23 1437:23 1609:17,20 1610:2,13 1613:3	<b>included</b> 1497:5	1607:19
<b>human</b> 1570:7 1579:7, 8 1590:3	<b>Imomovich's</b> 1611:1	<b>including</b> 1330:23 1508:6 1514:3 1543:24 1544:7,12 1546:18 1554:18 1559:3,23	<b>informed</b> 1504:11 1605:13
<b>hundred</b> 1460:14	<b>impact</b> 1296:10 1300:16 1553:10 1566:10 1582:10 1600:8 1601:23 1602:3	<b>income</b> 1402:17	<b>informing</b> 1289:4
<b>hurt</b> 1357:12,13	<b>impacted</b> 1340:6 1410:8	<b>inconsistency</b> 1318:22 1319:6	<b>ingrained</b> 1569:12
<b>husband</b> 1295:22 1296:24 1297:6 1302:17 1303:8,15 1306:12,20 1398:8 1408:19 1410:12,21 1587:7	<b>impactful</b> 1549:13	<b>inconsistent</b> 1391:7 1392:17,19 1484:2	<b>initial</b> 1587:15
<b>husband's</b> 1400:17	<b>impacting</b> 1411:8	<b>Incredible</b> 1318:10	<b>initially</b> 1570:14 1573:19 1586:10
<b>hypothetical</b> 1389:7,8 1390:1,11,15,20 1465:12,15	<b>impacts</b> 1543:22	<b>independent</b> 1544:14	<b>initials</b> 1527:5
<hr/> <b>I</b> <hr/>	<b>impeach</b> 1355:25 1356:8	<b>indicating</b> 1581:6 1582:24 1586:11	<b>input</b> 1549:5
	<b>impeachment</b> 1318:21 1355:23	<b>indication</b> 1491:19 1493:8	<b>inquire</b> 1380:9
<b>ID</b> 1532:12	<b>implement</b> 1411:25	<b>indicative</b> 1587:23	<b>instance</b> 1291:2 1554:1 1571:18,23
<b>idea</b> 1396:4,5 1463:4	<b>implemented</b> 1540:19	<b>individual</b> 1332:25 1495:11 1544:19	<b>instances</b> 1379:3
<b>ideal</b> 1618:23	<b>implementing</b> 1398:25 1412:8	<b>individual's</b> 1571:1	<b>instant</b> 1484:2 1538:23
<b>identified</b> 1493:5 1531:6 1532:2	<b>implicate</b> 1542:8	<b>individuals</b> 1438:11 1440:4,5 1444:5 1447:21 1452:13 1459:3,14 1518:20 1571:2	<b>instruct</b> 1451:14
<b>identifier</b> 1527:5	<b>implicated</b> 1537:5 1538:15	<b>industry</b> 1587:22	<b>instructing</b> 1420:24 1493:19
<b>identify</b> 1328:2 1459:17 1495:11 1565:6 1593:22	<b>implicating</b> 1537:22	<b>inept</b> 1585:2	<b>instruction</b> 1309:6 1378:24 1393:14 1400:23 1433:21 1611:17
<b>ignore</b> 1326:3	<b>implications</b> 1553:8	<b>infer</b> 1492:15	<b>instructions</b> 1309:13 1372:22 1378:20,21 1450:18 1486:21 1556:8 1616:6
<b>III</b> 1287:16	<b>important</b> 1347:1 1482:8 1531:9 1532:20 1569:10 1596:16,20	<b>inference</b> 1490:10 1492:21	<b>insurance</b> 1475:22
<b>ill</b> 1520:19	<b>impossible</b> 1449:25	<b>inferential</b> 1489:12 1492:10	<b>intend</b> 1502:18
<b>illegal</b> 1292:2,3 1478:5, 11	<b>impression</b> 1299:8	<b>influence</b> 1571:19 1603:1,3	<b>intended</b> 1538:1 1553:1
<b>image</b> 1532:23,25 1533:1 1601:1	<b>impressions</b> 1576:11	<b>inform</b> 1289:14	<b>intense</b> 1422:21,24
<b>images</b> 1369:1 1577:13 1578:6,8 1581:14 1584:1 1588:3 1592:22 1594:12 1595:24 1596:17 1597:4,6 1606:15	<b>improper</b> 1312:4 1317:8 1318:20,21 1355:22 1390:15,19 1436:16 1443:23 1580:9 1584:5 1608:16	<b>informal</b> 1287:2,20	<b>intent</b> 1341:6
<b>imagine</b> 1578:9 1613:25	<b>in-depth</b> 1377:23	<b>information</b> 1299:9 1313:2 1320:25 1321:14 1365:19 1374:8,15 1395:23 1433:17 1434:12 1439:15 1489:9 1490:24 1498:3 1548:4 1579:23 1592:24 1595:2 1597:11	<b>intention</b> 1304:6 1393:8
<b>immediately</b> 1559:2	<b>inaccurate</b> 1445:12		<b>intentionally</b> 1375:12
	<b>inadmissible</b> 1392:21		<b>interacted</b> 1602:11 1603:13
	<b>include</b> 1427:6 1475:16		<b>interactions</b> 1405:23
			<b>interest</b> 1442:13
			<b>interested</b> 1395:6 1525:5



<b>interesting</b> 1477:5	1578:24 1579:5 1581:3, 8,11 1586:19 1593:25	1359:5 1371:21 1381:4 1383:7 1384:3 1392:11	<b>John</b> 1445:23 1447:18
<b>interfered</b> 1377:7	1598:16,20,25 1599:3,6	1402:12,13 1417:25	<b>join</b> 1509:5
<b>internal</b> 1541:18,19 1567:24 1568:6	1600:4,9 1606:11 1607:6 1608:1 1615:7	1428:12,15,16 1486:15 1487:1 1550:25 1551:5 1572:15 1619:13	<b>Jones</b> 1342:21 1589:21 1590:17
<b>international</b> 1314:10, 24 1315:6,10 1341:15 1466:20	<b>investigations</b> 1522:2, 4 1562:19	<b>issuing</b> 1565:19	<b>journey</b> 1411:5
<b>international's</b> 1325:20	<b>investigator</b> 1577:11 1589:18	<b>italicized</b> 1543:19	<b>JS2</b> 1529:19
<b>internet</b> 1541:19	<b>investigators</b> 1517:14	<b>J</b>	<b>Juan</b> 1405:20
<b>interpretations</b> 1458:25	<b>invite</b> 1477:1	<b>jacket</b> 1566:12	<b>judge</b> 1372:7 1393:1,21 1494:5 1618:25 1619:3, 14,15,16
<b>interpreted</b> 1560:12	<b>involve</b> 1487:25 1553:19 1579:4 1583:25	<b>Jackson</b> 1333:9 1430:14 1431:16 1437:13 1440:11 1459:8 1613:12,16,17	<b>judgment</b> 1487:15 1494:1
<b>interrupted</b> 1337:3 1348:11	<b>involved</b> 1310:23 1321:4 1367:8 1376:6,8 1400:3 1403:9 1424:10 1474:20 1487:24 1490:7 1515:4,6 1520:5 1548:2 1549:8 1552:20 1575:24 1578:18 1599:5 1603:5	<b>January</b> 1399:7 1519:18 1524:18,20 1525:2,21,22 1526:1 1546:14,16,23 1576:8	<b>July</b> 1529:7,8
<b>interrupting</b> 1324:7 1326:10 1336:18 1368:8 1450:14	<b>involvement</b> 1521:14 1553:19,20 1563:12	<b>Jeanna</b> 1333:9 1430:14 1431:16 1437:13 1440:10 1459:8 1613:12,16,17	<b>jumbotron</b> 1351:17
<b>Intervention</b> 1402:1,19 1411:21,24	<b>involves</b> 1612:12	<b>Jessica</b> 1361:10 1446:12 1447:5,7,12	<b>jump</b> 1408:9,10
<b>interview</b> 1301:6 1522:8 1581:10,13 1582:1,9	<b>ipads</b> 1554:15	<b>Jet</b> 1301:5 1400:18,19	<b>June</b> 1528:19,20,21
<b>interviews</b> 1374:5	<b>irrelevance</b> 1435:18	<b>jetway</b> 1588:8	<b>jurisdiction</b> 1494:10
<b>intimidating</b> 1537:14	<b>irrelevant</b> 1357:8 1549:12	<b>Jim</b> 1314:6,7,9	<b>jurors</b> 1288:19 1372:23 1373:4 1382:1 1450:19, 24 1453:6 1486:22 1487:3 1510:20 1556:9, 13 1557:11 1616:7,12
<b>intranet</b> 1538:7 1540:15 1541:18 1545:9	<b>issue</b> 1287:22 1288:2 1299:2 1306:20 1320:7 1340:11 1345:24 1347:1,14 1349:20 1358:6 1370:12 1371:7, 19,22 1372:19 1373:14, 15 1376:4 1378:5,7,8,9, 16 1380:17 1388:8 1392:1,14,15,16 1398:5 1417:24 1437:2 1438:8 1451:23 1495:22 1502:22 1505:18 1506:23 1549:16 1601:19	<b>job</b> 1292:20,25 1296:22,25 1297:3,10 1298:12 1301:2 1306:12,22 1311:7,10 1315:20 1316:4,18 1329:12 1356:21 1357:2,5,12,13 1358:25 1399:16 1403:4,15 1404:5,19 1405:9 1416:3,4,19 1417:8 1418:24 1420:5 1436:25 1458:2 1476:22 1523:17,18 1529:19 1559:12 1584:24 1585:3 1587:18 1590:22 1591:5	<b>jury</b> 1288:16,18 1290:10 1292:1 1295:14 1304:3 1306:5 1308:8 1309:5,6,19,21 1311:23 1312:19 1313:18 1315:16 1323:2 1351:15 1362:15 1363:25 1376:10 1377:19 1380:6 1381:23 1383:5, 10 1384:14 1390:2 1392:14 1393:13 1396:13 1413:24 1421:25 1425:8 1428:13 1433:15 1434:3,16 1450:16 1452:17 1453:3,16 1459:13 1463:5 1481:12 1483:7,15 1486:5,7,10 1487:2 1488:10 1490:13 1492:10,15,23 1493:19 1504:10,18 1506:16 1507:23 1509:9 1510:14,18,19 1513:1 1516:15 1517:12,18 1521:17 1524:10
<b>introduce</b> 1317:15 1502:18	<b>issued</b> 1547:4 1548:18 1549:7,17 1554:16 1565:16	<b>jobs</b> 1353:14 1359:6,7 1455:6,8 1460:4,5	
<b>introduced</b> 1487:20 1507:15,16 1546:17	<b>issues</b> 1293:15 1306:14,15 1309:4,7 1341:16 1358:7,21		
<b>investigate</b> 1518:5 1552:13 1553:5,9			
<b>investigated</b> 1289:10 1442:20 1553:18			
<b>investigating</b> 1552:21			
<b>investigation</b> 1489:8, 11 1497:3 1515:16 1520:6 1521:14,18 1522:10,25 1523:4 1530:24 1535:10 1537:6 1542:20 1548:5 1553:15,21 1555:4 1571:20 1575:24 1576:3,12 1577:19,24			

1525:5 1529:8 1531:18 1534:2 1536:21 1541:10 1543:13 1548:2 1552:12 1554:11 1557:5,14 1558:9 1559:9 1560:13 1565:6 1573:20 1576:17,23 1578:3 1581:5 1583:12,18 1584:10 1588:13 1589:5 1591:16 1592:15 1593:7 1600:21 1604:24 1608:21 1616:11 1617:25 1618:17 1619:6,12	1406:4 1409:1 1419:2 1449:24 1458:16 1466:17 1498:3 1515:23 1562:4 1578:19 1599:4 1600:3	<b>latched</b> 1497:6 <b>late</b> 1288:12 <b>latest</b> 1618:18 <b>launch</b> 1558:3 <b>law</b> 1487:9,15 1492:25 1493:23 <b>lawsuit</b> 1364:21 1434:8,14 1437:5 1468:19 1475:7 1515:21 <b>lawyer</b> 1309:11 1346:20 1463:7,16 1515:9 <b>lawyer's</b> 1511:11 <b>lawyers</b> 1452:11 1557:24 <b>lay</b> 1298:23 1373:16 1600:17 <b>laying</b> 1295:25 <b>lead</b> 1559:14,18 <b>leader</b> 1574:17 <b>leaders</b> 1375:15 1521:7,11 1531:20 1552:24 1603:8 <b>leadership</b> 1602:21 <b>leading</b> 1291:6 1292:9 1295:24 1298:14 1303:19 1474:24 <b>league</b> 1375:7 <b>leaning</b> 1451:9 <b>leap</b> 1492:10 <b>learn</b> 1599:17 <b>leave</b> 1287:22 1303:15, 22 1373:5 1387:13,14, 15 1450:25 1479:25 1528:3 1572:18 1616:18 1619:7 <b>led</b> 1389:22 <b>left</b> 1296:1 1399:7 1408:4 1420:2 1453:13 1524:13 1527:20 1528:11 <b>leg</b> 1416:17	<b>legal</b> 1366:13 1369:21, 22 1372:19 1373:8 1383:14 1389:14 1391:7 1393:10 1414:15 1418:20 1424:5 1426:14 1427:4 1454:8 1456:10 1468:2 1473:1,2,5 1480:19 1486:15,25 1552:15 1553:7,17,20 1554:1,3 <b>legally</b> 1480:16 <b>legitimate</b> 1358:23 <b>length</b> 1381:7 1502:1 <b>lesser</b> 1602:13 <b>letter</b> 1293:8,10 1328:18 1417:20,23 1604:17,19 1605:2,4,21 <b>letters</b> 1491:21 1527:8 <b>level</b> 1298:3 1314:12 1352:13,14 1375:7 1575:23 1602:4 <b>liaison</b> 1308:12 1314:8 1329:5 1336:16,25 1337:7 1559:25 1560:7 <b>lies</b> 1457:8 <b>life</b> 1296:7,8 1300:19 1346:4 1351:17 1455:3 1538:7 1540:15 1541:16,17 1545:9 1550:21 1551:4 1566:10 1568:18 1570:4 1591:21 1595:12 1604:4,8 1607:20 <b>lifelong</b> 1411:5 <b>lightning</b> 1287:7 <b>Lights</b> 1303:7 <b>limine</b> 1308:2 1335:4 1349:20 1370:12 1371:7,22 1372:5 1373:13,15,18 1375:9 1378:15,20,21 1381:11, 12 1431:23 1432:1,3,8, 20,24 1433:21 1451:22 1452:2,12 1549:7 1550:1 1610:21,24 1611:11 <b>limined</b> 1376:19
<b>jury's</b> 1612:9 <b>justified</b> 1597:24	<b>knit</b> 1361:25 <b>knitted</b> 1365:17 <b>knowing</b> 1461:19 1462:3 1596:18,24 1617:8 <b>knowingly</b> 1498:8 <b>knowledge</b> 1440:3 1454:12 1456:13 1458:13 1489:6 1613:7 <b>Knowledge-wise</b> 1459:9		
<b>K</b>	<b>L</b>		
<b>keeping</b> 1394:2 <b>Keith</b> 1444:14,15,17,18 1445:7 1447:15 <b>Kelleher</b> 1587:15,21 <b>Kent</b> 1436:22,23 1438:2 <b>kick</b> 1372:2 <b>Kim</b> 1302:25 1430:18 1437:17 1615:20,22,23 <b>kind</b> 1353:7 1354:19 1357:1,8 1360:21 1375:11 1387:25 1406:3 1410:20 1430:19 1438:7 1449:8 1453:12 1461:3 1469:13 1501:11 1502:1 1521:18 1524:9 1563:25 1574:5 1580:4 1583:9 1594:10 <b>kindness</b> 1601:11 <b>Kinkeade</b> 1618:25 1619:14 <b>knew</b> 1291:14 1297:2 1300:7 1303:14 1322:13 1327:19 1333:7,8 1334:17 1341:24 1346:9 1351:19 1357:18 1365:2 1403:23 1404:6	<b>labeled</b> 1526:16 <b>labor</b> 1423:24 1424:4,9, 14,24 1453:22 1512:12, 13 1517:15,19,21 1518:22 1552:18,23 1559:3,7,10 1563:9 1565:11 1579:6,10,11, 18 1599:23 <b>lack</b> 1379:14 1564:20 1613:5 <b>lacks</b> 1377:17 1494:10 <b>ladies</b> 1288:25 <b>laid</b> 1294:10 1392:20 1408:24 1409:11 1425:2 <b>language</b> 1392:6 1503:14 1507:2 1541:9 1544:22 <b>lanyard</b> 1290:9 <b>laps</b> 1520:24 <b>laptops</b> 1554:15 <b>large</b> 1505:16 <b>Las</b> 1577:2,3 <b>last-chance</b> 1293:6,7 1294:18 1328:3,9 1329:22		

1611:5	<b>loose</b> 1556:17,19	<b>main</b> 1369:22 1606:21	<b>march</b> 1290:6 1307:12, 14 1325:13 1330:21 1340:14 1341:24 1342:13 1345:17,19 1346:11,16 1347:20 1348:1,22,24 1351:16, 21,23 1353:17 1354:1, 10,25 1355:8,20 1357:7 1358:22 1359:4,11 1363:10 1364:10,14 1365:11 1367:24 1369:2,5 1382:13,19 1383:18 1389:22 1395:10 1397:24 1447:9 1454:24 1455:1, 3 1456:18 1471:14 1488:2 1489:24 1491:9, 12,18 1492:11,16 1498:25 1499:2,3 1500:11,13 1519:18 1526:24 1527:4,21 1581:18,25 1582:4,6 1591:18 1595:21
<b>limit</b> 1422:17	<b>lose</b> 1404:19 1552:3,8 1571:15 1602:6,7	<b>make</b> 1287:23 1288:1 1306:23 1311:4,5 1312:18 1317:21 1319:12 1323:17 1326:11 1340:21 1341:5 1356:22 1358:10 1371:19 1380:1 1382:24,25 1392:24 1393:16 1401:17 1403:3,25 1406:18 1442:9 1443:2 1451:22 1455:6 1467:7 1475:14 1484:3 1487:6, 8 1492:10 1498:9 1501:11 1502:12 1504:10 1514:2 1519:8 1547:17 1560:1 1563:2 1579:19 1582:7,8,22 1584:25 1594:1,3,15,19 1598:2 1599:20 1601:21 1603:12 1605:11 1607:9 1618:3	<b>marched</b> 1340:18 1382:14 1395:15
<b>limitations</b> 1292:4,6	<b>losing</b> 1298:12 1306:12 1485:22		<b>marchers</b> 1354:2
<b>limited</b> 1294:16 1296:6 1309:12 1614:1	<b>loss</b> 1329:10		<b>marching</b> 1355:9,12 1356:19 1357:3 1359:4 1367:25 1382:13
<b>limiting</b> 1309:6,13	<b>lost</b> 1297:3 1306:17		<b>marginal</b> 1374:21
<b>limits</b> 1423:16 1550:9	<b>lot</b> 1352:23 1355:1 1408:17 1413:15 1417:22 1422:23 1429:20 1441:2 1442:23 1460:10 1566:20,21 1569:8,25 1593:14		<b>Maritime</b> 1484:20
<b>lines</b> 1330:10 1362:2 1602:15	<b>Louis</b> 1297:9 1398:21 1399:1,5,22 1402:9 1412:14		<b>mark</b> 1504:14,21
<b>link</b> 1298:22 1301:8 1587:19	<b>lounge</b> 1547:12	<b>maker</b> 1564:21	<b>marriage</b> 1306:13,15
<b>list</b> 1293:22 1430:25 1431:10,12 1439:13 1458:7 1561:3 1585:17 1617:13	<b>lounges</b> 1536:1	<b>makes</b> 1390:7 1487:14 1496:9 1502:2 1608:22 1617:7	<b>mass</b> 1556:15
<b>listed</b> 1429:6 1505:6,7 1506:5 1508:16 1561:16	<b>love</b> 1316:1 1335:24 1357:12	<b>making</b> 1304:7 1374:10,16 1454:18 1466:24 1475:12 1483:1 1579:22 1599:23 1600:5 1603:6	<b>Massoni</b> 1287:18 1461:17
<b>listen</b> 1305:8 1590:5	<b>loved</b> 1296:24 1315:20, 24 1523:17	<b>malice</b> 1493:22	<b>match</b> 1475:21
<b>listened</b> 1310:21	<b>lower</b> 1357:14	<b>man</b> 1615:23	<b>materials</b> 1374:14
<b>lit</b> 1303:1	<b>loyalists</b> 1490:6	<b>management</b> 1485:8, 18 1499:12,13	<b>Matt</b> 1287:9,10
<b>literally</b> 1463:14	<b>lunch</b> 1450:9,11 1451:10,16 1453:13,15	<b>manager</b> 1512:12,13 1513:8,13 1518:24 1521:25 1552:19,23 1560:22 1573:22,24 1576:3 1577:2 1590:23 1603:14 1613:23	<b>matter</b> 1289:9 1291:12 1292:6 1340:23 1381:19 1400:1 1432:10 1487:9,15 1492:7,25 1503:20 1535:9 1552:1,5 1566:5 1567:25 1571:11
<b>live</b> 1558:12 1619:4	<b>Lyn</b> 1421:15		<b>matters</b> 1376:17
<b>lives</b> 1596:19	<b>Lynn</b> 1485:10,15		<b>maureen</b> 1501:10
<b>LLC</b> 1489:15			
<b>Local</b> 1287:16 1314:11 1376:20 1407:4 1481:14 1491:22 1514:20 1516:6 1571:11 1578:20	<b>M</b>		
<b>located</b> 1574:22			
<b>location</b> 1513:12	<b>made</b> 1305:10 1310:20 1316:23 1317:6 1318:19 1319:9 1322:4 1324:12 1333:21 1336:6 1341:19 1347:11 1348:4,5 1360:17 1362:7 1370:18 1373:21 1380:10,14,20,23 1393:3 1408:5 1451:24 1482:9 1499:6 1508:1 1512:22 1545:8 1549:13 1575:25 1576:11 1581:15 1599:14,18 1600:25		
<b>locations</b> 1512:5 1513:10 1535:25			
<b>long</b> 1335:8 1371:22 1387:17 1429:7 1451:3 1470:12,23 1495:17 1512:7 1514:13 1558:18 1574:23 1619:8			
<b>longer</b> 1421:12,16,18			
<b>looked</b> 1308:9,10 1349:11 1362:25 1521:9 1599:9			

1511:2,7,21 1516:22	1516:7,14,18 1522:19	1554:18 1565:12,23	1470:8 1477:16
1560:14,24 1579:12	1523:20 1524:3	1566:5 1596:25 1597:3	1481:15 1485:19
1586:10 1599:20	1526:15,22 1530:19,21	1606:2	1489:25 1514:17
<b>Maureen's</b> 1562:24	1531:14,16 1533:10,11,14 1534:1 1536:10,20	<b>medical</b> 1305:16 1475:22	1552:5 1575:8 1602:22
<b>Mckeeby</b> 1287:12	1537:18,19 1538:5,10,24 1539:5,9,24 1540:9,24 1541:2 1543:1,12	<b>medication</b> 1300:13,15	<b>members</b> 1322:14 1346:16 1447:1 1448:9 1459:21 1469:13 1546:18 1552:4 1570:22
1291:6 1292:9 1294:1,9	1545:20 1546:3,11	<b>meet</b> 1405:15 1480:18 1607:5	<b>membership</b> 1325:18 1355:1 1407:16 1471:21 1485:13,19
1295:6,24 1297:21	1547:14,16 1548:25	<b>meeting</b> 1289:8,14 1297:11 1304:23	<b>memo</b> 1565:10 1566:23,25 1593:13
1298:14,21 1301:19	1549:4,24 1550:7,17	1305:2 1313:6 1315:15	<b>memorandum</b> 1565:20
1303:19 1305:23	1551:18 1555:10,17,19	1320:25 1321:4,13,15	<b>memorandums</b> 1545:14,22 1546:1 1547:4
1307:2,3,5 1308:7	1556:1,2,14 1557:13,15	1323:22,23 1324:2	<b>memory</b> 1417:3
1310:5 1311:18 1312:1,7,9 1313:8,21 1314:1,3,21,22 1315:2,3,12,14	1558:5,6,8 1561:1,14,23 1564:23 1565:5	1328:13 1334:16	<b>memos</b> 1545:15 1547:11
1316:6,10,14,19	1568:5 1571:4 1572:3,10,21 1573:16 1576:14,18,19 1580:13 1583:13,14 1584:9,17,21	1337:24 1339:23	<b>men</b> 1348:21 1356:16,22 1459:21
1317:13,19 1318:1,4,7,10,14,25 1319:5,8,22	1585:10,13,21,25	1342:15,17,18,20	<b>mental</b> 1299:8
1320:15,16 1321:5,21	1586:7 1588:9,15	1343:5,12,17 1344:3,6,9,21,22 1359:12	<b>mentioned</b> 1290:12 1310:6 1363:21 1427:6 1428:18 1450:5 1451:25 1483:13 1512:25 1532:17 1535:6 1537:15 1554:6 1574:11 1583:2 1590:17
1323:1 1324:22	1589:6,8 1591:24	1363:16 1365:10	<b>mentions</b> 1455:24
1326:20 1327:2,7,18	1592:16,21,24 1593:5,6,17 1594:9,18	1367:17 1383:3,4	<b>merit</b> 1375:18
1328:1 1330:13	1595:16,18 1604:5,20,25 1605:1 1606:22	1385:11 1388:14	<b>message</b> 1324:19 1340:22 1352:7 1363:21 1382:9 1471:11 1477:3 1482:11 1484:2 1496:17 1516:24 1542:6 1595:13 1597:8
1331:13,14 1333:11,13	1610:8 1616:2 1617:1 1618:10	1414:13,22,25 1415:11,16,22 1416:22 1418:7	<b>messages</b> 1321:8 1342:7 1347:7 1388:7 1449:10 1456:2,5 1487:22,23 1496:15,18 1500:8 1538:21
1335:4,17 1336:23	<b>Meaning</b> 1580:20	1419:9 1420:4,7	
1337:10 1338:16	<b>means</b> 1329:12 1338:23 1361:22	1422:21 1431:12	
1339:14 1342:14	1468:12 1474:13	1461:12 1471:3,6,9,10,21 1484:9 1485:13,19	
1343:19,24 1344:1	1522:20 1524:11	1490:20 1497:7	
1346:17,23 1348:9,16	1526:11 1527:24	1503:12,19 1507:3	
1350:1,15 1351:12	1528:10 1529:19	1522:7 1583:2 1589:1,9,10,13 1590:4,13	
1353:9,15 1354:16	1568:8 1572:11	1591:13 1592:25	
1355:13,16,21 1356:5,8,10 1357:14,16	1577:15 1580:1	1594:1,3,21 1596:11,13	
1358:17 1360:1	1598:24,25 1604:7	1597:13 1598:3,7,12	
1361:14,16 1362:9,12,17 1363:23 1364:1,3	<b>meant</b> 1296:22 1299:11 1320:5,24 1329:18,20 1370:19 1483:16 1584:10,22	1607:7,8,17,24 1609:9	
1366:5,7,19 1368:3,6,10,15,19,20 1369:10,12,24 1370:21,23	<b>measurement</b> 1564:7	<b>meetings</b> 1383:6 1407:16 1422:19 1423:2,7,14 1471:5 1591:2	
1374:23,25 1381:18	<b>media</b> 1321:18 1323:25 1326:7 1331:18 1344:8,12 1370:6 1375:24	<b>meets</b> 1480:15	
1382:4,5,6 1383:22	1378:2 1433:1 1484:24	<b>Meggan</b> 1342:20 1589:21 1590:17 1591:3	
1384:10,12,16 1385:14	1485:2 1497:13,18	<b>Melissa</b> 1314:9	
1386:3,6,17 1388:21	1514:4 1518:3 1519:6	<b>member</b> 1321:19 1340:10 1377:9 1381:5 1389:13,20 1390:6 1407:7 1422:5,6,12,14 1429:13 1440:15 1462:7 1469:15,17,21	
1389:6,24 1390:23,24	1532:21 1538:14		
1391:2,14,20,24	1542:16 1543:16		
1394:14,15,22,25	1544:2,24 1545:3,13,22		
1395:2 1396:11,14,17,18 1403:20 1404:1,21,22 1408:4 1418:14	1546:13,17 1547:2		
1432:13,17 1433:19			
1474:24 1476:4			
1479:18,20 1483:9			
1487:7,12 1494:19			
1501:6,7,10,15,21			
1502:18,21 1503:3,6			
1506:23 1507:1,8,11,18			
1508:20 1509:2,6,12			
1510:15,24 1511:2,19			

1581:21 1582:17,21 1583:1,24 1584:12 1595:9 1597:22 1600:25	1388:9 1427:5 1436:11 1465:1	<b>months</b> 1290:12 1293:10,11 1332:7,18, 21 1418:2 1514:14 1523:6 1580:6,14,16, 19,20	<b>multiple</b> 1421:12 1512:5 1514:5 1532:13 1535:23 1537:9 1548:13
<b>messaging</b> 1538:23	<b>mischaracterizing</b> 1448:25	<b>morning</b> 1288:25 1289:1,2 1307:6,7 1371:18 1372:2,19 1518:15 1616:10 1619:25	<b>music</b> 1394:3
<b>messed</b> 1403:24 1404:6	<b>missed</b> 1329:21 1500:5 1547:3	<b>Morris</b> 1287:13 1462:22	<b>muted</b> 1311:23
<b>messenger</b> 1334:4 1363:8 1388:18 1477:2	<b>missing</b> 1427:11 1463:20	<b>motion</b> 1326:12 1432:20,24 1452:12 1487:6,8,14,16 1493:25 1494:21,23 1495:6 1496:13 1500:18 1549:7 1550:1 1619:15	<hr/> <b>N</b> <hr/>
<b>met</b> 1310:7 1339:19 1405:17 1409:4 1447:14 1483:13 1493:16 1520:6 1603:11	<b>mission</b> 1514:5 1532:22 1534:6,7,9 1535:22,23 1568:23 1569:1,8,9	<b>Motivated</b> 1488:7 1496:25	<b>named</b> 1314:6 1444:15 1609:17
<b>Michael</b> 1287:17 1461:17	<b>Missouri</b> 1297:9	<b>motivating</b> 1496:25	<b>names</b> 1431:1,9 1432:3 1438:5 1439:13 1447:2, 4
<b>Michelle</b> 1459:11 1615:13	<b>misspoke</b> 1525:13	<b>motivation</b> 1347:23	<b>naomi</b> 1557:15,19 1558:11 1561:15 1565:10
<b>Michi</b> 1430:13 1436:21 1437:11	<b>mistaken</b> 1343:9 1361:4 1588:17	<b>mouth</b> 1466:14	<b>national</b> 1341:1 1575:16
<b>mid</b> 1307:12	<b>misunderstood</b> 1335:12,14	<b>move</b> 1295:3 1301:13 1313:8,22 1318:12 1326:20 1327:8 1343:19 1378:12 1381:19 1384:12 1391:2 1396:8 1411:13 1420:14 1436:1 1465:25 1470:1 1506:10 1510:13 1516:8 1523:21 1533:14,15 1543:3 1565:1 1585:13	<b>nature</b> 1320:7 1434:14 1537:11 1544:24 1601:16
<b>middle</b> 1506:9 1608:7	<b>mixed</b> 1398:15	<b>moving</b> 1378:13 1497:19	<b>Navy</b> 1575:22
<b>middle-schoolers</b> 1413:18	<b>moment</b> 1295:7 1324:21 1332:6 1368:22 1394:5 1414:9 1516:20 1586:3 1592:3 1594:8	<b>MSY</b> 1528:13,16	<b>NDA</b> 1293:12
<b>Mike</b> 1308:14 1310:6,9 1338:1,7,10,21 1339:7, 11 1403:7 1419:25 1430:21 1437:19 1459:9	<b>Monday</b> 1409:13		<b>neck</b> 1483:10 1532:13
<b>mild</b> 1298:9	<b>money</b> 1289:23 1300:18,20 1323:9 1324:3,15 1346:13 1353:7 1354:25 1356:22 1400:2 1402:16 1429:9 1471:13,15 1476:2,23 1488:1 1489:25		<b>needed</b> 1466:13 1498:12 1561:19
<b>military</b> 1575:18,20	<b>monitor</b> 1544:14,17		<b>negative</b> 1491:6 1569:21 1570:16
<b>million</b> 1300:22	<b>monitoring</b> 1544:21		<b>negotiate</b> 1499:13,15
<b>mind</b> 1453:12	<b>Montessori</b> 1409:6		<b>negotiating</b> 1481:15 1559:18
<b>mine</b> 1302:24 1421:15	<b>Montgomery</b> 1421:15, 22 1485:15		<b>negotiator</b> 1559:15
<b>minor</b> 1494:11 1605:10	<b>month</b> 1330:11 1475:13 1524:12 1525:2,12,23 1526:6,12 1527:2 1528:8 1529:9, 12,16,17,25 1530:1,4,7, 14 1574:25		<b>NEVARES</b> 1481:10
<b>minute</b> 1334:22 1364:22 1396:10 1452:17 1591:10	<b>month's</b> 1529:22		<b>Nevarez</b> 1429:18 1480:5
<b>minutes</b> 1325:19 1372:3,10 1373:2 1387:11,15 1556:12 1557:1 1619:9	<b>monthly</b> 1551:3		<b>news</b> 1402:22
<b>miscarriage</b> 1345:6			<b>nexus</b> 1290:8,18 1291:3 1531:10 1532:16 1586:11,13 1587:2
<b>mischaracterizes</b> 1320:8 1358:8 1386:1			<b>nice</b> 1310:11
			<b>night</b> 1302:25 1313:11 1371:20 1373:21 1392:25 1393:15,20



1408:24	<b>number</b> 1311:1	1327:11,17,20 1336:15	<b>objectors'</b> 1458:20
<b>Ninety-four</b> 1583:11	1327:15 1339:7,11	1349:19 1350:14	<b>obligation</b> 1470:16
<b>no-go</b> 1401:11	1394:25 1441:6 1510:2	1355:11 1358:13	1498:9
<b>non-christian</b> 1495:12	1524:15 1528:24	1362:9,14 1370:8	<b>observance</b> 1497:25
1499:23	1563:24 1592:4	1371:14 1376:2 1382:3	<b>observed</b> 1484:8
<b>non-christians</b>	<hr/> <b>O</b> <hr/>	1386:9 1390:17	<b>obstinate</b> 1463:4
1457:14 1458:18	<b>oath</b> 1308:19 1420:25	1392:24 1393:7	1464:15
1491:6 1499:25	1462:7 1480:17 1511:6	1394:19 1404:3 1416:8,	<b>occasion</b> 1563:19
<b>non-disclosure</b>	1557:9 1573:4,6	11 1419:14 1428:21	<b>occasions</b> 1383:8
1293:13	<b>object</b> 1291:6 1308:2	1433:23 1435:17,22	<b>occur</b> 1471:20
<b>non-member</b> 1376:22	1312:4 1313:12 1316:5,	1443:9 1445:21 1449:3	<b>occurred</b> 1328:16
<b>non-responsive</b>	13,17 1317:8,16	1452:5 1456:10	1613:20
1317:3 1326:21,25	1318:20 1324:7	1462:22 1465:25	<b>occurs</b> 1381:3
1346:17 1362:9 1368:3,	1326:10 1330:5 1337:1	1467:18 1469:18,25	<b>October</b> 1530:6
13 1384:10 1420:18	1338:13,25 1342:10	1474:24 1488:15	1565:16
1465:14 1469:19	1343:20 1349:17	1503:5 1509:4 1511:14	<b>odd</b> 1297:16
1470:1	1351:10 1353:2	1522:16 1523:22,23	<b>off-the-record</b>
<b>non-responsiveness</b>	1354:12 1355:22	1526:14,18 1533:17,20	1287:20
1420:14	1358:8 1366:12 1368:8	1536:12,13,14,15	<b>offensive</b> 1482:16
<b>non-verbal</b> 1481:3	1369:21 1370:11	1539:1,11 1540:22	1533:5 1537:11
<b>nonetheless</b> 1407:24	1383:14 1384:10	1543:4,6,7 1546:5,6	<b>offer</b> 1290:23 1291:2,10
1584:4 1608:25	1385:5 1386:1 1388:9	1548:23 1550:10	1300:18 1305:15
<b>noon</b> 1618:17,19	1389:4,14 1390:11,19	1551:11 1552:15	1377:19 1402:24
<b>north</b> 1412:14	1391:4 1393:15	1556:18 1558:2	1403:4
<b>not-for-profit</b> 1399:17,	1403:18 1414:14	1580:11 1586:2 1592:2,	<b>offered</b> 1292:20,25
19 1402:3	1415:13 1416:8 1418:9,	6,9 1593:11,12,15	1299:15 1300:22
<b>notable</b> 1496:11	19 1420:13,23,24	1608:23 1609:4	1403:15 1404:4
<b>note</b> 1452:5 1590:21,25	1424:5 1426:14 1427:4	1610:19	<b>offering</b> 1305:19
<b>notes</b> 1308:16 1318:16	1428:17 1436:10	<b>objections</b> 1301:15	1317:17
1319:16 1355:17,23	1439:20 1442:3	1313:10,17 1327:10,14	<b>offerings</b> 1485:23
1356:4,6 1357:18	1445:14 1448:23	1354:14 1366:16	<b>office</b> 1317:1 1326:6
1359:19 1416:18	1454:7,25 1464:25	1371:11 1373:21	1442:11 1520:13
1420:1 1454:16 1497:3	1465:14 1467:11	1381:17,24 1391:3	1542:12 1574:19
1500:6 1508:3,6,11	1468:1 1469:2 1472:17	1394:10 1469:3 1473:2	1585:1 1587:1
1522:6,8 1591:3,4,6,7	1476:4 1508:24,25	1516:9,11 1556:16	<b>OFFICER</b> 1288:17
1592:6,17,20 1594:2,6	1509:1 1561:4 1564:19	1573:12 1617:19	1373:11 1452:20
1613:14 1619:12	1580:9 1584:5 1604:1	1619:23	1509:16,18 1557:3
<b>notice</b> 1510:3 1546:21	1607:21 1613:5	<b>objective</b> 1316:3	1620:2
1554:15,16	<b>objected</b> 1332:8	<b>objector</b> 1321:18	<b>offices</b> 1407:19
<b>notified</b> 1515:15	1354:1 1355:7 1361:1	1324:1 1352:16	<b>official</b> 1499:16
1519:6	1393:20,24 1429:13	1371:24 1376:22	<b>officials</b> 1315:8
<b>notion</b> 1357:3 1375:23	1447:7 1464:7 1508:22	1388:13 1390:7 1403:3,	<b>object</b> 1393:1
1488:21 1489:20	<b>objecting</b> 1381:16	17 1407:8,12,15	<b>older</b> 1302:20 1503:24
1490:8 1602:25	1383:18 1429:8	1425:10 1426:8,25	
<b>November</b> 1530:13,15	<b>objection</b> 1292:9,19	1428:7 1430:3,16,19,23	
	1294:1 1295:5,6,8,24	1438:21 1440:12,14	
	1297:21 1298:14,20,21	1454:25 1455:11	
	1299:6,24 1301:19	1458:6 1462:8,10,16	
	1303:19 1305:21,23	1470:9,18 1489:22	
	1308:4,6 1313:13	1500:10 1603:1	
	1320:3 1322:19	<b>objectors</b> 1375:14,16	
		1425:11 1430:6 1438:9,	
		19,25 1439:11 1440:5,8	
		1458:8	

1541:4,6,7 1546:13,15 1619:1	<b>ordinarily</b> 1499:13	<b>overseeing</b> 1513:14	1519:19 1532:21
<b>one-day</b> 1527:23 1528:2	<b>ordinary</b> 1376:23	<b>oversight</b> 1514:1	1534:15 1549:6
<b>one-hour</b> 1450:11 1451:10,15	<b>organization</b> 1534:21	<b>oxygen</b> 1296:17	1576:22 1601:12 1612:12
<b>ongoing</b> 1288:7	<b>organizations</b> 1570:23	<hr/> <b>P</b> <hr/>	<b>part-time</b> 1401:5
<b>online</b> 1301:8 1339:10	<b>original</b> 1344:10 1524:20 1525:9 1576:24	<b>p.m.</b> 1620:3	<b>partially</b> 1442:25 1443:1
<b>open</b> 1299:21 1303:1,2 1310:2 1319:18 1359:16 1369:7 1372:16 1394:7 1434:1 1464:10 1470:15 1474:9 1540:6 1550:13 1595:24 1612:5	<b>Originally</b> 1516:25	<b>PA</b> 1451:4	<b>participants</b> 1591:18
<b>open-ended</b> 1335:13	<b>originate</b> 1513:11	<b>package</b> 1328:19	<b>participated</b> 1489:23 1491:17 1492:11 1499:1,3 1500:14 1519:18
<b>opened</b> 1380:6	<b>originated</b> 1531:19	<b>packet</b> 1311:12 1312:3, 10,14 1333:20,22,25	<b>participating</b> 1492:16
<b>opening</b> 1291:23 1292:23	<b>Orleans</b> 1528:15,17,18	<b>packets</b> 1313:3,4	<b>participation</b> 1488:1
<b>operation</b> 1560:5 1573:25 1574:9,22	<b>outlined</b> 1563:1	<b>pages</b> 1312:15,17 1402:21 1524:9 1544:17	<b>parties</b> 1379:17
<b>operations</b> 1574:12	<b>outlines</b> 1537:1 1543:17	<b>paid</b> 1321:20 1325:13 1407:10 1469:16	<b>partly</b> 1399:1,22
<b>opinion</b> 1298:16 1482:25 1564:14,16,17, 18	<b>outrageous</b> 1570:20	<b>paper</b> 1547:10	<b>partner</b> 1297:13 1399:21 1579:7 1590:4
<b>opportunity</b> 1307:23 1325:14,16 1405:15 1410:24 1506:5 1590:11 1611:3	<b>outweigh</b> 1374:13	<b>paperwork</b> 1445:18 1446:7	<b>partnering</b> 1399:4
<b>oppose</b> 1428:11 1500:17	<b>outweighs</b> 1374:20	<b>paragraph</b> 1517:3 1534:11,13,16 1543:19 1568:21 1569:20	<b>partners</b> 1402:7
<b>opposed</b> 1292:8 1444:15 1445:7,24 1446:2,13 1447:22 1448:9 1490:21	<b>overcome</b> 1508:12	<b>parcel</b> 1489:10	<b>party</b> 1379:18 1486:14
<b>opposing</b> 1427:1 1444:11 1448:7	<b>overly</b> 1377:17 1379:16	<b>Parenthood</b> 1340:18 1345:18 1348:2,23 1355:12 1357:19 1456:19	<b>pass</b> 1296:18 1305:14 1307:1 1404:21 1472:1 1479:17 1510:22 1551:18 1555:10 1571:4 1572:3 1606:22 1616:2
<b>opposition</b> 1491:11 1602:20	<b>overnight</b> 1451:6 1452:8 1616:14 1617:24	<b>parents</b> 1579:8	<b>passed</b> 1330:24 1566:7
<b>optimal</b> 1614:14	<b>overnightened</b> 1528:14	<b>Parker</b> 1308:11 1329:1, 2 1337:16,18 1339:5 1361:10 1416:15,22 1420:1,3 1446:12 1447:5,7,13	<b>passionate</b> 1406:16
<b>optional</b> 1526:15 1614:6	<b>overrule</b> 1288:14 1313:17 1327:14 1343:23 1349:22 1358:14 1370:14 1394:9 1416:12 1418:22 1443:10 1452:5 1495:24 1522:18 1526:20 1533:21 1550:10	<b>Parnell</b> 1430:15 1437:15 1615:18	<b>past</b> 1333:17,21 1334:21 1335:20 1336:6 1340:8 1342:6 1479:2 1490:9 1510:10 1526:15 1580:22,24 1581:17,20,22 1582:25
<b>orange</b> 1566:11	<b>Overruled</b> 1351:11 1386:10 1389:5 1552:17 1603:25 1604:3	<b>part</b> 1310:23 1312:2 1331:13 1357:8 1364:14 1367:5 1368:1 1373:20 1410:19 1432:24 1434:4 1437:5 1447:5 1458:6 1465:4 1474:21 1475:6,7 1480:23 1488:19 1489:8,10 1504:16,17, 18 1505:16 1510:7	<b>pathway</b> 1547:1
<b>order</b> 1501:25 1547:1 1554:24 1608:23	<b>overruling</b> 1309:22 1381:17,20 1445:20		<b>Paulo</b> 1287:12
	<b>oversaw</b> 1518:3 1559:19 1560:4		<b>pause</b> 1335:15
	<b>oversee</b> 1573:25 1574:3		<b>pay</b> 1329:16 1352:17 1353:13 1356:19 1357:4 1358:3,7,10,23 1374:3,4,6 1397:15 1398:3 1462:8 1475:14, 21 1526:11 1527:7 1528:3,4

<b>paying</b> 1400:5 1401:23 1568:10 1569:11	1496:16 1548:21 1550:18 1552:7 1570:22 1597:22 1600:25 1603:7 1608:12 1613:6	<b>picked</b> 1338:21	<b>plural</b> 1508:22
<b>payment</b> 1329:21		<b>picture</b> 1367:7,13 1613:21 1614:24	<b>podium</b> 1487:10 1495:1 1496:6 1502:6 1556:24
<b>people</b> 1292:17 1334:14,19 1351:19 1352:7 1357:12 1404:16 1410:17 1424:1 1426:21 1431:13,24 1433:9 1435:7,14 1436:20 1441:20 1442:10 1443:12,14 1458:25 1459:7,10 1460:10,16, 21 1519:12 1553:12 1560:5 1563:5 1566:15, 22 1567:6,16,19,20 1569:25 1570:1,5,19 1597:1,2 1614:3	<b>personally</b> 1338:10 1430:10,12 1582:11 1585:2 1586:22 1596:19 1607:20	<b>pictures</b> 1290:15,18,19 1351:18 1363:8 1364:16 1365:15 1395:13 1492:15 1609:23	<b>point</b> 1288:9 1296:6 1303:18,21 1325:14 1330:15 1335:5 1337:12 1339:10 1341:5 1353:12 1360:14 1361:25 1369:22 1375:16 1376:2,15 1378:15 1380:15 1381:12 1392:22 1393:18 1395:1 1403:12 1404:13 1405:13 1410:8 1415:4 1419:15 1426:1 1427:17 1431:14,24 1434:15 1440:9 1459:13,16 1462:16 1463:13 1464:18 1474:15 1478:22 1483:21 1487:6 1490:5 1491:8 1496:11 1497:15,16 1500:22 1505:25 1508:20,25 1510:6 1577:17,22,24 1595:14 1607:8 1608:1 1611:11 1614:8,15 1618:10,12 1619:10
<b>people's</b> 1457:18	<b>personnel</b> 1372:24 1450:19 1486:23 1556:9 1616:7	<b>Pilates</b> 1400:23 1401:3, 6	
<b>perceived</b> 1537:12	<b>perspective</b> 1340:16 1547:25 1550:2	<b>pilot</b> 1410:13	
<b>percent</b> 1420:6 1460:14 1600:15	<b>perspectives</b> 1549:8	<b>pilots</b> 1353:18	
<b>perfect</b> 1410:18 1427:20 1567:7	<b>pertained</b> 1470:13	<b>pink</b> 1352:19 1361:1,5 1363:1 1364:17 1367:19	
<b>period</b> 1332:8 1336:3 1380:10 1401:1 1440:13 1460:6 1469:13 1512:7 1514:13 1560:21 1575:5	<b>pertaining</b> 1288:3 1449:9 1468:25 1554:8	<b>place</b> 1420:9 1539:20 1540:20 1569:17 1573:2	
<b>peripheral</b> 1606:20	<b>pertinent</b> 1534:16,24 1550:25	<b>places</b> 1402:9 1534:14 1535:24	
<b>permission</b> 1395:17	<b>petition</b> 1425:20 1440:17 1441:10 1442:5 1446:25 1448:2, 11	<b>plaintiff</b> 1287:10 1288:14 1405:25 1503:23 1507:5 1514:23	
<b>person</b> 1291:15 1319:14 1337:13 1341:25 1342:5 1343:1 1346:12 1347:4,5,6,15, 17 1360:12 1370:15 1389:17 1435:13 1461:17 1529:23 1548:19 1562:8 1586:15,16 1587:21 1589:11 1590:2,7 1600:5	<b>philosophy</b> 1568:15	<b>plaintiff's</b> 1507:16	
<b>person's</b> 1580:16	<b>Phoenix</b> 1576:10 1603:15	<b>plan</b> 1555:25 1556:2 1617:11,16	
<b>personal</b> 1340:5 1347:10,12 1352:13 1404:18 1406:15,21 1443:25 1444:2,23 1454:22 1456:6,13 1468:10 1478:25	<b>phone</b> 1297:8 1338:21 1341:19 1343:2,3 1461:18 1483:18 1484:6 1590:4,6,8 1605:13 1619:11	<b>plane</b> 1387:9,15,21 1542:7,13	<b>pointed</b> 1362:1 1606:4
	<b>photo</b> 1369:6 1382:15 1532:11	<b>Planned</b> 1340:18 1345:18 1348:2,23 1355:12 1357:19 1456:19	<b>pointing</b> 1568:24
	<b>photograph</b> 1367:5 1382:10 1587:14	<b>play</b> 1481:7 1484:4 1618:9	<b>points</b> 1472:24,25
	<b>photos</b> 1364:25 1532:9,14 1591:20	<b>played</b> 1351:3 1480:17 1481:8	<b>policies</b> 1323:18 1331:16 1332:1 1334:23 1344:19,20 1384:18,21 1385:2,4, 13,23 1386:11,12,15, 20,22,23,24 1390:10 1478:20 1497:14,18 1499:10 1512:19 1513:18,23,25 1514:6,7 1518:4 1533:8 1548:13 1553:2,23 1554:6,9,13, 18,21 1566:15 1568:17, 19 1600:13 1605:23,24
	<b>phrase</b> 1532:16	<b>playing</b> 1351:15	<b>policing</b> 1503:10
	<b>phrased</b> 1432:19,21	<b>plead</b> 1420:5	<b>policy</b> 1321:18 1323:25 1331:18,20 1335:23 1344:8,14,15 1370:6 1375:2,24 1378:3
	<b>physical</b> 1370:19	<b>pleading</b> 1416:19 1420:6	
	<b>physically</b> 1520:19 1542:18	<b>plenty</b> 1425:5 1427:21 1500:24	
	<b>physiology</b> 1298:6	<b>plethora</b> 1358:1 1429:24	
	<b>pick</b> 1453:12		



1387:20 1484:24	<b>post</b> 1291:4,18 1324:18	1381:9 1509:21 1510:1	1395:19 1401:11
1485:2 1493:9,10,11	1336:6 1455:21 1485:7,	1604:2	1406:7,13 1408:23
1503:10,11,18 1504:4,9	9 1570:19 1615:4	<b>prejudicial</b> 1377:17	1409:22 1412:8
1505:9,18,21,23,24	<b>post-certification</b>	1379:16 1505:13,24	1422:21,24 1440:8
1506:4 1507:2,5,9,12,	1494:11	1506:9 1508:19	1467:1 1470:7 1489:2
20,22,24 1508:8,9,12,	<b>posted</b> 1334:6 1479:3	<b>prep</b> 1619:14	1520:25 1563:25
17 1510:4 1514:4,5	1485:10,12 1492:2	<b>preparation</b> 1419:24	<b>prevented</b> 1375:24
1518:3 1532:21	1496:16 1535:23,24	<b>prepared</b> 1311:12	<b>previous</b> 1380:12,13
1536:23 1537:5,23	1566:5	1416:16	1507:22 1523:6,12
1538:4,8 1539:20,21,23	<b>posting</b> 1345:3 1347:9	<b>preparing</b> 1297:12	1544:9 1582:17
1540:11,13,17,18,19	1478:24	<b>prerequisite</b> 1391:21,	<b>previously</b> 1328:8
1541:5,9,11,15,24	<b>posts</b> 1290:7,11,15	25	1368:22 1468:3
1542:8,23,25 1543:16,	1291:3 1333:21	<b>present</b> 1611:3	1558:16
23 1544:4,10,11	1449:18 1454:19	<b>presentation</b> 1488:20	<b>print</b> 1477:20 1617:24
1545:7,11,13,22	1455:25 1456:1 1479:2,	1493:25	<b>printouts</b> 1477:21
1546:13,17,21,22	3 1499:7,11 1520:1	<b>presented</b> 1313:1	<b>prior</b> 1328:16 1329:21
1547:2 1554:18,19,22	1531:22,24 1533:6	1403:6 1432:25 1494:4	1330:7 1336:6 1380:24
1555:1 1565:12	1544:16 1580:7 1581:2,	<b>presenting</b> 1310:23	1381:13 1387:12
1566:16 1568:14	6 1586:24 1587:2	<b>president</b> 1290:5	1392:23 1440:14
1594:2 1599:19 1606:1,	1588:23 1600:25	1291:17 1314:10	1480:16 1505:10
2,6	1601:22	1317:3 1321:1,24	1508:23 1515:16
<b>political</b> 1348:22	<b>posttraumatic</b>	1322:12,22 1323:4,9,	1520:5 1545:18
1407:19 1429:10	1298:11 1300:9	16,21 1342:2,13	1552:18 1558:23
1455:5 1460:1 1461:1	<b>potential</b> 1519:6	1345:16 1346:12	1559:2 1562:5 1575:14,
1492:8	1544:10,12 1553:17	1347:20 1353:6,23	15 1576:2,12 1578:18
<b>politics</b> 1492:8	1562:17,21	1362:6 1367:7 1369:4,	1583:24 1598:19
<b>Pollyanna</b> 1565:25	<b>potentially</b> 1537:22	19 1376:21 1377:9	1599:2 1609:6
<b>poorer</b> 1399:2	<b>practice</b> 1523:3	1384:23 1385:20	<b>private</b> 1324:19 1336:1
<b>poorly</b> 1543:21	<b>practices</b> 1498:1	1386:25 1387:23	1429:12 1471:11
<b>popular</b> 1587:21	<b>prayer</b> 1551:4	1388:8,17 1389:19	1494:6 1566:6 1570:14,
<b>portion</b> 1355:19	<b>praying</b> 1295:22	1407:5 1417:10	16
1368:17 1386:7	<b>prays</b> 1551:4	1421:10,11,14,16,22,24	<b>privately</b> 1496:15
1475:22 1493:24	<b>precise</b> 1612:24	1422:1,8 1423:10,17	<b>pro</b> 1351:17 1374:6
1540:11 1584:19	<b>precisely</b> 1351:6	1455:18 1457:2	1455:2 1491:25
1608:7	<b>preclusive</b> 1494:3	1461:14,19 1462:5	1492:17 1550:20
<b>position</b> 1323:19	1495:7	1465:13 1466:10	1551:4 1591:21
1324:24 1327:4 1354:3	<b>predicate</b> 1295:25	1467:8 1470:16 1471:1,	1595:12,14 1604:4
1359:15 1364:23	1312:8 1317:24 1318:2,	8,12 1481:17 1482:21,	1607:20 1608:2
1365:14 1366:9,14,23	8 1600:17	22,24 1483:2 1485:15	<b>pro-choice</b> 1354:3
1367:2,14 1382:17	<b>preemie</b> 1345:6	1498:20 1499:9 1516:5	1355:7
1385:17,24 1389:11	<b>preference</b> 1603:8	1535:6 1552:10	<b>pro-life</b> 1347:13
1411:17 1444:20	<b>preferences</b> 1397:13	1571:14 1578:20	<b>probation</b> 1417:20,23
1472:22 1481:13	<b>preferentially</b> 1491:5	1600:6 1601:5	<b>problem</b> 1299:16
1505:12 1512:10	<b>prejudice</b> 1288:5,9	<b>presidents</b> 1421:12	1372:14 1450:15
1527:13 1559:1,6	1313:14 1374:13,19	<b>pressure</b> 1296:15	1493:2 1508:17
1562:24 1570:3 1576:3	<b>pretty</b> 1302:22 1317:3	1298:3 1300:14,15	<b>problematic</b> 1433:10
1590:20		1555:4,8 1571:24	<b>problems</b> 1306:21
<b>possibility</b> 1618:14		1343:13 1353:20	1354:9
<b>possibly</b> 1495:19			
1587:7 1601:15			

<b>procedural</b> 1381:18	<b>prompt</b> 1432:19	<b>provoke</b> 1349:1	18,25 1475:2 1476:6,9
<b>procedure</b> 1540:13	<b>promptly</b> 1545:1	<b>proximity</b> 1489:16	1479:15 1480:4,10
<b>procedures</b> 1331:16	<b>proof</b> 1488:13 1492:6	1490:16,23	1481:11 1485:21
1478:21	<b>proofread</b> 1605:11	<b>Pryor</b> 1287:5,9	1486:2,11 1502:11,13
<b>proceed</b> 1310:4	<b>proper</b> 1380:9 1503:5	1288:21,24 1291:9	1504:13,19,24 1505:4
1434:20 1511:17	<b>properly</b> 1392:2	1292:11 1294:4,6,15	1506:17 1507:7,10,17,
1540:8 1558:5 1593:2,	1415:10 1513:3 1514:3	1295:3,13,16,17,25	25 1509:1,3 1561:3,6,9,
16 1611:21		1296:3 1297:22	13 1564:19,25 1565:4
<b>proceeding</b> 1461:25	<b>proponent</b> 1602:8	1298:10 1299:10,19	1572:5,6,17 1580:9
<b>proceedings</b> 1298:18	<b>propose</b> 1560:11	1300:1 1301:13,24	1584:3,5,13,16
1299:21 1308:24	<b>proposition</b> 1489:16	1302:1,4,6,8 1303:24	1585:17,19 1586:3
1310:2 1319:3,18	<b>protect</b> 1470:17,18	1305:14,20 1306:6	1592:3,19,23 1593:1,3,
1371:4 1372:16	1498:22 1604:9	1307:1 1308:2,4,22	8,12 1603:24 1604:1
1391:18 1394:7	<b>protected</b> 1334:11,12	1309:1,11,21,25	1607:21 1608:13,16
1398:17 1431:19	1424:16 1487:19	1311:22 1312:4	1610:4,14 1611:23
1434:1 1463:1 1464:10	1488:3,17 1489:1,4,18	1313:12 1316:5,13,17	1612:3 1614:6,10,14
1472:8 1474:9 1539:14	1493:22 1496:17,22,24	1317:8,12,16,21	
1540:6 1549:1 1550:13	1497:12 1498:6 1518:7	1318:5,11,20 1319:11,	<b>Pryor's</b> 1580:5
1610:17 1612:5 1620:3	1579:2 1598:4	15 1320:2,7 1322:19	<b>psychologically</b>
<b>process</b> 1309:3	<b>protecting</b> 1474:21	1324:7,11 1326:10,22	1596:21
1342:16 1408:22	<b>protection</b> 1475:5	1327:9 1330:5 1331:10	<b>PTSD</b> 1298:9,16,22
1416:24 1474:19	1478:12 1497:15,16	1332:6 1335:11	1299:10
1515:16 1549:9	1552:6	1336:15,17 1337:1	<b>public</b> 1376:24,25
1559:19 1563:12	<b>protections</b> 1497:17	1338:13,25 1342:10	1532:23,25 1533:1
1579:21,24 1596:24	1600:13	1343:20 1348:8,11	1588:23
<b>product</b> 1409:5	<b>protects</b> 1334:22	1349:17,20 1350:9,12	<b>publicly</b> 1586:16
<b>professional</b> 1348:20	1424:24,25	1351:10 1353:2	<b>publish</b> 1295:10,13
<b>professionally</b>	<b>proud</b> 1491:25 1570:2	1354:12 1355:22	1313:18 1327:16
1560:16	<b>proudly</b> 1405:11	1358:8 1359:22	1486:3 1516:13
<b>profit</b> 1475:20 1476:19	<b>prove</b> 1456:15	1362:10 1366:12	1523:25 1533:22
<b>program</b> 1398:24	<b>prove-up</b> 1299:17	1368:8 1369:21 1370:8,	1536:17 1538:25
1399:4 1410:25	<b>proven</b> 1472:24,25	11 1371:1,12,17,21	1541:1 1543:9 1546:8
<b>progressively</b>	<b>provide</b> 1432:19	1372:7,11 1377:20	1592:12
1581:23	1461:6 1462:21 1463:6	1378:5,7 1380:17	<b>published</b> 1295:15
<b>prohibited</b> 1544:1,21	1467:7 1534:17	1383:14 1385:5 1386:1,	1327:18 1531:17
<b>project</b> 1352:20	1535:19 1591:12	9 1388:9 1389:4,14	1540:14 1543:2
1365:20 1398:18	<b>provided</b> 1296:23	1390:11,15,19 1391:4,	1545:15,21 1586:6
1399:6,9,25 1400:2,3	1312:11 1333:19,22	11 1392:10 1393:1,17,	1592:15
1401:25 1402:1,8	1334:1 1416:7 1439:18	25 1394:18,21 1398:6	<b>publishing</b> 1301:21
1411:15	1463:16 1464:21	1403:18 1414:14	1327:24 1394:17
<b>projected</b> 1524:23	1467:25 1489:9	1415:13 1416:8 1418:9,	1516:14
1526:11	1503:17 1534:20	19 1419:10,20 1420:23	<b>pull</b> 1314:2 1317:15
<b>projects</b> 1532:24	1594:25	1424:5 1426:14 1427:4	1361:14 1363:22
<b>promise</b> 1406:18	<b>provisions</b> 1559:23	1428:17,22 1431:3,7	1370:21 1382:5
1618:19		1432:2,6,12,14	1394:25 1516:7
<b>promote</b> 1570:5		1433:11,23 1435:17,21	1523:20 1537:18
		1436:10,14 1439:20	1538:5,25 1540:24
		1442:3 1443:5 1445:14	1561:1 1591:24
		1448:23 1451:14,21	1604:21 1608:5
		1454:7 1456:10 1463:8,	1609:12
		22 1464:3,4,7,25	<b>pulled</b> 1343:17 1529:7
		1467:11,15 1468:1	1586:24 1608:24
		1469:2 1472:2,4,7,10,	
		13,16,20,25 1473:6,9,	
		13,17 1474:2,5,7,14,16,	

<b>pulling</b> 1478:2	1353:3,25 1354:18	<b>quick</b> 1287:8 1306:5	1563:23 1578:4
<b>punish</b> 1385:2,12	1355:3,6 1358:19	1372:20	1595:23
<b>punished</b> 1333:16	1362:16 1363:3 1365:1,	<b>quiet</b> 1293:18 1403:25	<b>read</b> 1290:10 1320:18
1504:5	23 1366:6,17,20	<b>quote</b> 1499:5 1500:2	1324:11 1363:11
<b>punishing</b> 1367:14	1368:5,14,15 1373:8	1569:2	1368:15,17 1386:6,7
<b>punitive</b> 1288:13	1374:3,4 1382:4,7	<b>quoting</b> 1507:9,12	1397:1,2,4,15 1404:12
1493:20	1386:3,4 1388:3		1429:6 1449:20,23
<b>purpose</b> 1398:18	1390:1,5 1392:2,15,23	<hr/>	1450:2,3 1545:14,17,
1399:7,25 1400:4	1393:10 1394:23	<b>R</b>	21,25 1547:5 1554:17
1402:2,8 1411:15	1395:5,22 1396:2,3,6		1565:8 1577:5 1584:19
1531:2 1579:16	1403:14,21 1404:2,23	<b>race</b> 1466:22	<b>reading</b> 1518:17
1580:21 1582:20	1407:23 1416:13	<b>races</b> 1460:24	1525:17 1565:7,22
<b>purposes</b> 1491:16,17	1417:11,12 1418:10	<b>racing</b> 1298:4	1595:19 1618:1
1506:15,16	1419:6,7 1420:15,24	<b>radio</b> 1361:15	<b>ready</b> 1373:15 1474:6
<b>purview</b> 1613:25	1421:5 1423:11 1426:5	<b>Railway</b> 1423:24	1501:9 1604:13
<b>pussy</b> 1352:19 1361:22	1427:8,19 1428:24	1424:3,9,14,24 1453:21	<b>real</b> 1338:22 1480:6
1363:1 1365:20	1432:18 1433:7 1437:8	<b>raise</b> 1338:9 1380:17	<b>realization</b> 1352:1
1367:19 1368:1	1438:17 1439:1,7	1392:4 1506:8,23	<b>realize</b> 1451:18
<b>put</b> 1293:8,9 1309:19	1445:21 1447:10	1557:17 1601:18	1503:20
1310:22 1380:7 1400:7	1463:23 1464:5,13	<b>raised</b> 1287:21 1292:20	<b>realized</b> 1503:22
1402:12 1412:19	1465:6,16 1466:1,3	1327:10 1336:10,12	1600:4
1429:23 1439:13	1467:1,22 1468:5,21	1337:16 1338:6	<b>realm</b> 1389:1
1448:12 1451:18	1469:5 1470:7,20	1354:13 1371:21	<b>reapply</b> 1495:21
1455:1 1458:3 1459:1	1471:17,20 1473:21	1389:8 1393:6 1398:5	<b>reask</b> 1354:4 1550:15
1466:14 1476:22	1502:8 1504:3 1511:13,	<b>raises</b> 1466:25	1584:15
1491:20 1503:1	15 1544:8 1550:16	<b>raising</b> 1311:24	<b>reason</b> 1289:22
1504:24 1505:22	1555:17 1556:14	1393:2,5	1351:23 1362:5
1509:11,13 1540:20	1584:14 1596:6,11,13	<b>ramifications</b> 1553:4,	1375:21 1379:7
1569:25 1570:3 1573:4	1606:14 1607:25	17,20 1554:1	1388:22 1432:14,17
1595:16 1604:14	1610:5,6,7 1611:7	<b>ran</b> 1322:11 1481:18	1436:8 1445:11
<b>puts</b> 1546:21	1612:9,17,20,22	<b>range</b> 1356:23	1488:11 1492:24
<b>putting</b> 1347:13	<b>questioned</b> 1331:10	<b>rank-and-file</b> 1381:5	1601:16 1606:21
1405:20 1412:3	1505:22 1508:13,16	<b>rationale</b> 1379:25	1613:19
<hr/>	<b>questioning</b> 1506:7	<b>RBFS</b> 1545:18	<b>reasonable</b> 1476:13
<b>Q</b>	1584:6	<b>reach</b> 1337:22 1341:16	1492:18,21 1495:14
<hr/>	<b>questions</b> 1291:24	1579:13	<b>reasons</b> 1354:1
<b>quality</b> 1485:22	1292:19,23 1333:12	<b>reached</b> 1341:2,7,12	1359:13 1374:25
1534:11	1343:14,16 1344:5	1352:15 1388:23	1402:25 1429:15
<b>question</b> 1288:22	1354:23 1368:11	1416:24 1469:12	1490:2 1496:1 1500:17,
1294:14 1299:24	1369:14 1374:2 1389:8	1579:15 1600:21	23,24,25 1519:4
1305:8 1307:19 1309:1,	1394:24 1409:25	1606:16	1606:13 1609:25
15,20 1319:21 1320:8,	1422:22 1427:20	<b>reaching</b> 1314:14	<b>rebut</b> 1375:22 1380:12
11,12,14 1323:13	1472:5 1473:1,19,23,25	1579:16 1599:16	1611:3
1324:6,10 1325:25	1474:4,12,14 1479:20,	<b>reaction</b> 1351:2 1352:9	<b>rebuttal</b> 1486:12
1326:8,19 1327:1	22 1483:11 1502:14	1520:17 1551:10	<b>rebutted</b> 1490:3
1335:12,13,16 1336:21	1511:11 1549:21		<b>recall</b> 1289:6,12
1337:2 1339:18	1552:2 1557:24 1558:1		1292:21 1297:5 1321:9
1345:11 1346:22,24	1560:9 1566:17,18		
1348:14 1352:24	1571:13 1572:6,7,8,9		
	1573:11,12 1590:5		
	1595:5,8 1596:4		
	1606:20 1616:22		
	1618:24		

1328:21,22 1330:16	<b>recommend</b> 1413:19	1536:18 1543:10	1358:10 1371:23
1377:1 1380:13	<b>recommendation</b>	1546:9 1592:13	1470:24 1543:21
1425:13,20,23 1426:11,25 1428:9 1434:5	1522:11,13 1548:8,9,16	<b>referring</b> 1307:9	1581:8 1614:24
1440:17,19,22,25	<b>recommended</b>	1317:9 1356:21 1358:5,9 1395:10 1584:6	<b>relations</b> 1365:7
1441:5,10 1442:5	1522:21 1549:14	<b>refers</b> 1568:16 1587:25	1384:8 1498:5 1512:12,14 1515:24 1517:13,15,19,20,21 1518:1,23
1446:25 1447:2,16,25	<b>reconsider</b> 1619:15	<b>reflect</b> 1396:20,22	1552:19,23 1559:3,7,10
1448:2,11,19 1478:3	<b>record</b> 1287:3,6,23	1397:15 1421:25	1563:7,10 1565:11
1487:24 1489:23	1377:16 1381:23	1497:4 1551:14	1577:5,9,13 1579:5,6,11,18 1590:3
1500:9 1508:4 1515:18	1403:8 1489:20 1491:2	1568:14	<b>relationship</b> 1467:3
1518:12 1562:14	1492:6 1504:16,17	<b>reflecting</b> 1497:6	1481:16 1560:16
1563:13,22 1565:19	1507:19 1511:20	<b>reflection</b> 1570:12	<b>relative</b> 1489:1
1577:19 1580:8	1591:3 1609:5 1616:11	<b>reflects</b> 1362:19	<b>relevance</b> 1354:12
1581:13 1587:8	<b>recorded</b> 1368:18	1454:18 1543:21	1370:8,11 1374:11,13,17,18,21 1376:16
1591:20,22 1595:11	1386:8 1480:17	<b>refocus</b> 1466:2	1377:17 1381:9 1391:5
1598:23 1599:2	1584:20	<b>reformulated</b> 1465:5	1435:22,23 1442:4
1613:13,14	<b>records</b> 1522:24	<b>refrain</b> 1434:18	1443:5 1533:17
<b>recallers</b> 1425:16,18	1523:7,9 1524:5	<b>refresh</b> 1312:6	1548:23 1551:11
<b>recalling</b> 1443:15	<b>recourse</b> 1404:20	1608:11,14,17 1609:15	1564:19 1603:24
<b>receipt</b> 1490:24	<b>recovering</b> 1419:21	1613:18	1607:21
<b>receive</b> 1329:15	<b>recruiter</b> 1569:14	<b>refreshed</b> 1608:18	<b>relevancy</b> 1376:3
1399:24 1402:17	<b>rectangle</b> 1528:13	1614:7	<b>relevant</b> 1375:20
<b>received</b> 1289:4	<b>recurrent</b> 1528:23,25	<b>refreshes</b> 1359:20	1376:10 1379:9,16
1307:20 1482:11	1568:1	1391:6	1392:7 1434:7,10
1483:20 1484:11	<b>redirect</b> 1309:10	<b>regard</b> 1290:1 1326:1	1503:13 1549:6 1550:2,5 1612:13,17,18
1505:4 1520:20	1474:17,25	1393:5 1419:17	<b>religion</b> 1295:1 1454:2
1521:20 1526:11	<b>reduce</b> 1293:4	1468:10 1495:14,22	1457:18 1466:13,22
1527:6	<b>reduced</b> 1330:20	1560:1 1596:7	1468:25 1470:24
<b>receiving</b> 1562:5	1417:16 1418:2	<b>regarded</b> 1584:3	1491:7 1549:21
<b>recent</b> 1559:1	<b>refer</b> 1393:4 1421:21,23	<b>registered</b> 1413:11	1607:10,13
<b>recently</b> 1503:8	<b>reference</b> 1347:11	<b>regret</b> 1402:23	<b>religions</b> 1460:22
<b>recess</b> 1372:4 1373:9,10 1452:19 1509:17	1349:17 1365:22	<b>regretful</b> 1597:21	<b>religious</b> 1288:3
1557:2 1620:1	1370:18 1454:18	<b>regrets</b> 1352:11,25	1289:15,24 1290:24
<b>recipient</b> 1576:24	1455:6 1466:24	<b>regroup</b> 1501:3	1291:5 1293:1 1309:16
<b>reckless</b> 1493:22	1611:15	<b>regular</b> 1408:18	1340:2 1366:1,24
<b>recognize</b> 1292:4,6	<b>referenced</b> 1456:6	<b>rehash</b> 1383:7	1367:3 1383:13 1404:2,4 1450:5 1453:25
1390:25 1405:5 1515:1,3 1533:12	1468:13 1524:6 1533:9	<b>reinstatement</b> 1329:8	1456:9 1459:4,14
<b>recognized</b> 1353:16	1588:3 1605:2	1402:24	1461:7 1462:19 1467:3
1465:22 1469:10	<b>references</b> 1507:9,13	<b>reiterate</b> 1500:7	1470:13 1474:22
1488:12 1498:6	1606:5	<b>reject</b> 1420:17 1500:19	1491:3 1492:12 1493:4,8,15 1494:12 1495:8,9,18 1496:21 1497:21,25
<b>recollection</b> 1312:6	<b>referred</b> 1365:4	<b>related</b> 1289:17,21	1498:10,14,15,16
1355:24 1359:21	1562:22		1499:6,18,20 1500:3
1362:22 1380:22	<b>referred-to</b> 1295:11		1548:19 1549:12
1391:6 1419:4 1449:19	1301:22 1306:1		1551:9,16 1598:13
1608:11,17 1609:15	1313:19 1327:22		
1613:19 1614:7	1394:12 1516:16		
	1524:1 1533:23		

1603:21	1433:20	<b>represents</b> 1359:8	1589:19 1602:6
<b>remain</b> 1332:4 1406:19	<b>rephrase</b> 1427:22	1500:1 1552:1 1571:11	<b>respected</b> 1354:24
<b>remainder</b> 1474:12	<b>replied</b> 1360:10	<b>reprimand</b> 1375:9	<b>respectful</b> 1406:19
1525:6	<b>report</b> 1305:7,10	1395:20	<b>respectfully</b> 1396:8
<b>remark</b> 1362:6	1375:5 1442:20 1489:8	<b>reprisal</b> 1422:15	1488:16
<b>remedies</b> 1392:3,13	1545:2 1560:17	<b>request</b> 1287:22,23	<b>respects</b> 1345:9
1494:14	1574:14,16,18	1288:1,15 1309:23	<b>respond</b> 1317:2
<b>remember</b> 1297:18	<b>reported</b> 1305:12	1337:12 1343:23	1360:20 1369:7
1307:15,17 1308:15,17	1434:9 1463:9 1498:4,5	1354:6 1379:19	1610:23
1310:19 1319:7,8	1519:12,15 1560:24	1382:25 1383:1,11	<b>responded</b> 1360:16
1320:16 1342:23	<b>reporter</b> 1368:18	1420:17 1495:6,24	<b>responding</b> 1292:19
1344:16,17,20 1368:16	1386:8 1584:20	<b>requested</b> 1368:17	1341:9 1360:17
1372:6,22 1387:16	<b>reporting</b> 1305:1	1378:22 1382:23	<b>response</b> 1296:20
1398:15 1405:19	1376:22,23 1535:2	1386:7 1495:16	1298:2 1349:1,6 1351:6
1430:16 1444:20	1544:21	1507:14 1584:19	1358:1 1369:13
1445:9 1446:4,5,10	<b>reports</b> 1566:20,21	<b>requesting</b> 1382:23	1376:12,14,20 1382:8
1456:4 1480:25 1521:4	<b>represent</b> 1318:15	1601:19	1494:20 1496:3
1560:19 1561:18	1346:15 1348:20	<b>required</b> 1331:15	1504:12 1549:10,23
1562:2,15 1563:15,17	1352:18 1363:19	1478:20 1528:24	1562:13 1595:11
1566:4 1568:22	1367:21 1415:10,18,22,	1536:4 1545:17	<b>responses</b> 1368:10
1574:10 1577:18	24 1416:22 1420:10	1546:22 1554:14	<b>responsibilities</b>
1579:14 1587:9	1421:22 1426:2	1565:7 1604:18	1409:22 1560:22
1589:22 1596:10	1435:16 1447:21	<b>requirement</b> 1331:24	1565:14,22 1603:14
1609:8	1455:4 1459:24	1493:11 1554:8	<b>responsibility</b>
<b>remembered</b> 1319:1	<b>representation</b>	<b>requires</b> 1488:13	1408:21 1462:6 1514:1,
<b>remind</b> 1541:17 1567:4	1304:21 1305:2,4,12	<b>reread</b> 1521:6	2 1515:11,14
1573:20 1576:23	1344:3 1359:9 1369:20	<b>research</b> 1372:25	<b>responsible</b> 1389:23
<b>reminder</b> 1565:13	1379:12 1414:22	1450:21 1486:24	1512:16 1513:14
1566:19 1612:9	1416:7 1419:8,19	1556:11 1616:9	1529:24 1559:14
<b>reminding</b> 1565:21	1420:21 1421:2,3,6	<b>reserve</b> 1471:25	1560:5,8
1566:15	<b>representative</b>	1473:24 1474:12	<b>responsive</b> 1362:10
<b>remorseful</b> 1597:25	1287:17 1308:11	1479:20 1575:20	1572:9
<b>remotely</b> 1290:12	1328:25 1329:3	1617:8	<b>rest</b> 1409:20 1471:25
<b>removed</b> 1315:7	1332:15 1498:21	<b>reside</b> 1511:22 1512:4	1473:24 1486:14
1584:25 1585:1	1589:22 1597:16	1513:10	1553:11 1614:15,18
<b>render</b> 1298:15	<b>representatives</b>	<b>residence</b> 1512:5	1617:21
1328:13 1604:13	1353:13 1512:20	<b>resituate</b> 1556:6	<b>restate</b> 1610:6,7
<b>rendered</b> 1604:15	1548:7	<b>resource</b> 1579:7	<b>restraints</b> 1423:20
<b>rendering</b> 1604:19	<b>represented</b> 1345:19	1590:3	<b>rests</b> 1486:12
<b>rep</b> 1294:19 1338:3	1350:24 1415:15	<b>resources</b> 1579:8	<b>result</b> 1331:20 1479:13
1342:24 1343:17	1416:1 1417:6,13	<b>respect</b> 1323:5	1518:9 1543:23 1544:6
1444:19 1604:12	1462:3 1464:23	1341:18 1345:8	1612:21
<b>repeat</b> 1323:12	1499:22 1500:12	1354:21 1355:1	<b>resumés</b> 1400:7
1366:20 1584:17	1559:17	1464:22 1493:20	<b>retailiated</b> 1430:20
<b>repeatedly</b> 1369:13	<b>representing</b> 1325:23	1523:9 1534:20 1535:3	1433:2 1440:22
<b>repeating</b> 1297:14,15	1352:20 1357:7	1541:11 1564:7	
	1359:11 1405:10	1567:19 1580:7	
	1418:25 1462:13		



<b>retain</b> 1523:15	<b>right-to-work</b> 1341:1	<b>routine</b> 1573:10 1605:18	1292:23 1307:21 1342:18,20 1343:7,11, 16 1344:5,22 1345:11 1346:1,25 1357:17 1358:20 1361:18 1454:17 1489:20 1490:9 1498:2 1501:24 1503:12,18 1504:3 1505:17 1507:4 1521:24 1522:5 1542:24 1547:23 1548:3 1549:5 1550:4 1572:21,23 1573:1,7,21 1586:8 1593:18 1600:18 1603:21 1607:3 1608:9 1612:10 1616:14
<b>retaliate</b> 1438:10 1488:14	<b>rights</b> 1288:4 1292:13 1293:14 1294:25 1332:25 1354:11,21,24 1355:9 1356:14,15,18 1357:1,20 1359:2 1407:15 1424:12 1425:23 1426:2 1427:25 1428:1 1452:7 1475:5,6 1491:18 1493:23 1552:3,7,8 1571:15	<b>RTC</b> 1528:22	
<b>retaliated</b> 1424:3 1425:9 1426:8 1427:12, 14 1428:5 1429:25 1430:4,8,22 1436:20 1437:10 1438:19 1439:11 1441:1 1448:6 1458:8 1496:21	<b>rise</b> 1288:17 1298:3 1373:3,11 1450:23 1452:20 1487:2 1509:16,18 1510:19 1556:12 1557:3 1616:11 1620:2	<b>rude</b> 1566:4	
<b>retaliating</b> 1425:13 1598:4	<b>risk</b> 1300:19	<b>rudely</b> 1568:9,10,12	
<b>retaliation</b> 1331:20 1423:24 1490:11 1497:1 1498:19 1536:25 1537:4 1606:8	<b>RLA</b> 1288:13 1428:3 1472:21 1475:5 1487:20 1488:5,18 1490:14,17 1494:6 1497:1,16 1498:19	<b>rule</b> 1443:8 1487:9,14 1511:14 1558:2 1573:12	
<b>retaliatory</b> 1489:4,17	<b>RLA-PROTECTED</b> 1489:7 1497:9 1500:8	<b>ruled</b> 1392:12 1393:10 1619:16	
<b>retire</b> 1512:1	<b>Robert</b> 1611:2	<b>rules</b> 1513:22 1580:15	<b>Schneider's</b> 1497:2 1498:7
<b>retired</b> 1511:25 1558:18,20,21,22	<b>rock</b> 1556:25	<b>rulings</b> 1392:23	<b>Scholer</b> 1619:16
<b>retirement</b> 1558:23	<b>role</b> 1415:4 1460:8 1482:20 1483:2 1530:23 1535:10 1550:3,6 1552:13,20,23 1578:23 1579:10	<b>rumors</b> 1599:4	<b>school</b> 1398:25 1399:2 1408:18 1409:6 1412:1
<b>return</b> 1480:1		<b>run</b> 1481:19 1574:8 1605:6	<b>schools</b> 1399:23
<b>returned</b> 1521:4 1528:12		<b>running</b> 1303:6,7 1350:14	<b>scope</b> 1472:12,15,19 1473:7 1476:5
<b>reurge</b> 1494:2	<b>roles</b> 1482:23	<hr/> <b>S</b> <hr/>	<b>scouting</b> 1399:21
<b>reveal</b> 1523:9 1561:7	<b>roll</b> 1556:25 1618:21	<b>sacred</b> 1604:8	<b>screen</b> 1357:15 1515:25 1518:16 1531:4,25 1537:10 1613:21
<b>review</b> 1313:5 1446:25 1447:13,16 1520:2 1522:3,24 1523:4,8 1530:24 1566:16 1581:1 1591:11 1594:3 1595:2 1605:6	<b>room</b> 1297:4 1350:5 1486:10 1594:14 1612:11	<b>sad</b> 1348:6 1351:18	<b>screens</b> 1351:17 1363:25 1486:7,8 1576:17
<b>reviewed</b> 1328:23,25 1522:1 1544:15 1548:6, 13 1582:16,23 1583:16 1591:7	<b>rooms</b> 1451:19	<b>saddened</b> 1563:25 1564:1	<b>scroll</b> 1593:10
<b>reviewing</b> 1448:10,19 1519:24 1582:20	<b>roses</b> 1566:2	<b>safe</b> 1452:6	<b>scrolling</b> 1302:2 1593:15
<b>revised</b> 1541:7	<b>Ross</b> 1308:12 1329:4 1332:11,15 1336:12,14, 24 1337:3,5,6,7 1404:15 1416:15,21	<b>safety</b> 1455:8 1460:4	<b>search</b> 1290:15,16
<b>reword</b> 1354:4	<b>round</b> 1287:7 1335:10 1346:21 1366:11 1474:4 1479:18,21,25 1555:16 1618:17	<b>salary</b> 1399:24 1476:17	<b>searched</b> 1290:17
<b>rewrite</b> 1504:25		<b>Samuelson</b> 1341:20	<b>searching</b> 1436:8,12
<b>rid</b> 1357:15 1403:2,16		<b>San</b> 1575:16	<b>seat</b> 1480:1 1487:4 1557:21
<b>ridiculed</b> 1426:22		<b>Sassy</b> 1335:24	<b>seated</b> 1287:4 1288:20 1373:12 1382:2 1453:7 1509:19 1510:21 1557:12
<b>ridiculous</b> 1357:4		<b>save</b> 1346:4 1479:23	<b>seconds</b> 1393:25 1483:22
		<b>says/fac</b> 1527:12	
		<b>scale</b> 1475:14	
		<b>Schaffer</b> 1518:21,22 1519:5,15 1521:11 1531:21	
		<b>schedule</b> 1408:15	
		<b>Schneider</b> 1289:4	

<b>section</b> 1478:19 1544:20	1399:13 1401:20	<b>shoes</b> 1405:20	1526:18 1539:13,15
<b>SECURITY</b> 1288:17 1373:11 1452:20 1509:16,18 1557:3 1620:2	<b>September</b> 1529:18 1530:5	<b>shoot</b> 1478:10	1540:5 1548:25 1549:2 1550:12 1561:8 1610:15,16,18 1612:4 1614:9
<b>seek</b> 1288:12 1398:13 1400:5	<b>seriousness</b> 1519:7	<b>shoots</b> 1374:17	<b>sideline</b> 1451:6 1539:22
<b>seeking</b> 1466:9 1470:11 1539:17	<b>served</b> 1293:5 1330:25 1417:18 1446:24	<b>shop</b> 1361:12	<b>sides</b> 1507:14
<b>select</b> 1416:21 1459:25	<b>service</b> 1534:11 1567:22,23,25 1568:4,7 1569:4 1575:13 1587:16	<b>short</b> 1364:14 1373:6 1480:10,11 1501:3 1576:5	<b>sign</b> 1293:12,20 1331:6 1336:4 1425:20,24 1492:1,2 1567:6
<b>send</b> 1291:21 1321:7 1341:22,23 1345:12 1346:11 1347:4 1353:21 1364:25 1367:4,12 1369:6 1387:21 1389:12,21 1462:12 1477:4 1522:5 1551:3 1577:10 1578:6 1594:2 1601:22 1602:1, 5 1604:18	<b>services</b> 1559:4,5	<b>shorter</b> 1451:7 1501:17	<b>signatures</b> 1443:13
<b>sending</b> 1289:18 1339:20 1342:7 1347:7, 23 1352:25 1359:13 1360:11 1365:15 1382:9,15 1385:2,18,22 1408:17 1469:16 1518:25 1585:5 1594:23 1597:21	<b>session</b> 1371:18	<b>shot</b> 1451:12 1613:21	<b>signed</b> 1294:23 1329:13,22 1332:19,23 1404:12 1444:23 1445:2,17 1446:18
<b>sends</b> 1542:5	<b>set</b> 1312:8 1317:24 1318:2 1408:25 1409:22 1507:3 1549:25 1589:10 1606:3	<b>shots</b> 1515:25 1518:16 1531:4,25 1537:10	<b>significance</b> 1580:14 1587:14
<b>senior</b> 1518:24 1559:1, 2,6,10 1565:11	<b>setting</b> 1354:22	<b>show</b> 1301:12 1307:18 1317:9,18,19 1321:10 1359:17,19 1364:18 1375:13 1392:19 1493:11 1494:7,8 1528:7 1529:6 1539:4, 5,7 1587:2 1588:6	<b>significant</b> 1523:13,16
<b>seniority</b> 1329:10 1330:10 1356:18,23 1410:14 1529:3	<b>settlement</b> 1404:16	<b>showed</b> 1333:20 1334:1 1363:8 1532:1 1587:3,4,6	<b>signing</b> 1426:21 1427:1 1428:11 1444:11,15 1446:2,13
<b>sense</b> 1371:19 1393:16 1403:3 1502:2,12 1547:20 1608:22 1617:7 1618:3	<b>Seventh</b> 1451:5 1452:7	<b>showing</b> 1306:7 1486:8 1604:24	<b>signs</b> 1374:6 1491:24
<b>sentence</b> 1294:23 1309:18 1356:11 1357:9 1384:15 1433:10 1434:17 1544:22 1568:21	<b>sexual</b> 1331:19 1358:2, 22 1536:24 1537:3 1538:3 1554:2 1579:1 1606:7	<b>shown</b> 1321:14 1364:16 1477:23	<b>similar</b> 1340:8 1351:2 1451:4 1495:5 1498:18 1548:14,18 1599:25
<b>separate</b> 1347:14 1433:8 1482:23 1503:20 1510:8	<b>sexually</b> 1537:11,24	<b>shows</b> 1375:4 1452:17 1498:7 1510:3 1525:1 1586:23 1588:7	<b>similarly</b> 1376:17 1491:15 1492:20 1495:8
<b>separation</b> 1322:16 1336:21 1379:7,8	<b>shadow</b> 1446:19	<b>shred</b> 1599:9	<b>simple</b> 1420:15 1437:8 1470:7 1471:17
	<b>Shaffer</b> 1518:18	<b>sic</b> 1580:25	<b>simplify</b> 1425:8
	<b>share</b> 1346:3 1459:14 1534:22 1551:17 1579:22 1583:3,6 1589:16 1599:25	<b>sick</b> 1528:2,3,9,10	<b>simply</b> 1299:10 1318:5 1503:19 1597:7
	<b>shared</b> 1459:4 1529:19	<b>side</b> 1310:17 1375:14 1412:14 1416:16 1458:3,4 1512:23 1590:12	<b>Sims</b> 1308:14 1310:7,9, 20,24 1312:11,22 1315:15,16,19 1316:15 1317:5,6 1319:23 1320:19 1333:22 1334:1 1336:10 1337:12 1338:1,7,10, 17,21 1403:7 1419:25
	<b>shares</b> 1497:24	<b>sidebar</b> 1298:17,19 1299:20 1308:25 1310:1 1317:11 1319:2, 4,17 1371:3,5,12 1372:15 1390:13,18 1391:10,14,16,17,19 1394:2,6 1431:4,18,20 1432:15,18 1433:24,25 1435:25 1439:25 1462:25 1463:2 1464:9 1472:6,9 1474:8	<b>Sims'</b> 1339:7,11
	<b>sharing</b> 1475:20 1476:20		<b>single</b> 1435:13 1472:21,22 1473:3
	<b>Sherry</b> 1615:18		<b>sir</b> 1302:5 1311:11 1322:11 1324:18
	<b>Shifting</b> 1498:17		
	<b>Shipman</b> 1314:16,24 1341:15		
	<b>shock</b> 1349:4		
	<b>shocked</b> 1353:8 1563:24		
	<b>shocking</b> 1564:12		

1339:6 1342:4 1346:10 1474:7 1501:14	<b>socks</b> 1405:18,21	1492:5 1493:21 1494:16 1496:3,11,18, 20 1497:20 1499:12,13 1502:11 1505:6,12 1508:24 1510:3,23 1511:2,25 1512:3,8,10 1513:5,9,24 1514:11 1517:19 1520:15 1523:21 1528:20 1531:7 1532:3,10,12, 14,20,25 1533:2,15 1534:5,23 1535:14,18, 21 1536:11,23 1538:2 1539:20 1542:4 1543:3, 15,21 1544:14,16 1545:4,21 1546:3,18 1547:18 1552:3,8 1553:23 1558:17,24,25 1559:17 1562:19 1564:5 1567:5,6 1568:17 1569:9,14,23 1570:1,13 1571:16,19, 25 1572:8,20 1573:23 1574:21,23 1575:2,4,11 1578:7 1586:12,17 1587:5,16,17,20,23 1588:8 1592:1 1598:3, 8,12 1600:10,13 1601:9,21,23 1602:8 1605:22 1611:8,9,16,18 1612:12,14,16,21	1379:8 1390:17 1419:14 1422:16 1428:20 1441:8 1449:3 1455:22 1467:17 1471:7 1526:17 1580:11
<b>sit</b> 1287:5	<b>Somebody's</b> 1508:6		<b>specialist</b> 1337:9 1515:24
<b>site</b> 1345:3	<b>someone's</b> 1508:2,11		<b>specific</b> 1349:24 1376:2 1440:3 1460:5,8 1517:22 1533:3 1534:12 1536:2 1545:16 1546:25 1547:5 1563:14,15 1566:3 1574:12 1609:24
<b>sits</b> 1444:18	<b>son</b> 1413:15		<b>specifically</b> 1344:18 1355:14,15 1363:11 1364:17 1365:9 1428:4 1446:23 1455:7 1456:15 1458:17 1497:23 1534:15 1563:13 1607:25
<b>sitting</b> 1308:15 1342:21 1407:3 1416:18 1420:10 1440:11 1480:20	<b>sort</b> 1299:7 1444:6 1455:5 1487:22 1619:5		<b>specifics</b> 1378:3 1380:3,4
<b>situated</b> 1376:18 1491:15 1492:20	<b>sought</b> 1505:11		<b>specifies</b> 1532:22
<b>situation</b> 1303:17 1534:25 1537:6	<b>sound</b> 1357:10 1397:6		<b>speculation</b> 1333:5 1490:4
<b>Sixteen</b> 1546:7	<b>sounds</b> 1361:15 1388:5 1600:3		<b>speech</b> 1292:2,3,14 1293:1,2 1309:17 1334:11 1424:13 1470:15 1478:5 1485:11,16 1492:8
<b>sixth</b> 1331:3	<b>source</b> 1521:23	<b>Southwest's</b> 1375:14 1376:13 1384:18 1390:10 1402:24 1488:25 1489:6 1490:24 1541:11 1542:22 1545:2,8 1546:12 1606:6 1610:21,24	<b>spend</b> 1533:7
<b>Sixty-six</b> 1561:5	<b>southwest</b> 1287:13 1289:10,15 1290:13,23 1291:4 1295:6 1300:6, 10 1304:7 1306:22 1309:12 1315:24 1319:24 1320:21 1321:2,3,23 1322:1,3,4, 5 1323:3,15,18,24 1324:25 1325:2,23,25 1327:3 1328:20 1330:12 1331:17,25 1333:19 1334:5 1335:3, 18 1336:7 1342:3 1345:9,19 1347:11,18 1353:8,17 1356:24 1357:1 1359:9 1360:18 1364:11,24 1365:3,25 1366:23 1367:8,12 1369:15 1370:5 1371:8 1374:10,15 1375:16 1376:6,8 1377:7 1378:21 1379:2,10 1380:1,11 1381:13 1382:23 1383:12 1384:2,8,21,23 1385:1, 3,9,12,17 1386:14 1387:1 1388:14,24,25 1389:2,13 1390:9 1395:6,19,23 1396:20 1397:3 1399:8,14 1401:21 1403:2,8,14 1404:3 1431:24 1432:10 1433:5,9,16 1434:4,6,8,10,12 1435:3,14 1437:2,3 1451:23 1452:2,12 1481:13 1482:13 1484:23 1487:5,8,14 1488:7,14,21 1489:21 1490:6 1491:10,23	<b>Southwest-affiliated</b> 1347:15	<b>spending</b> 1429:9 1470:17 1471:13 1602:22
<b>skipped</b> 1526:15		<b>space</b> 1511:10,12,13 1557:23,25 1573:10	<b>spends</b> 1487:25
<b>sleeping</b> 1296:21		<b>speak</b> 1325:14 1330:25 1332:25 1340:25 1383:19 1390:18 1409:7 1422:11 1423:10 1425:25 1471:2 1473:14 1483:17 1614:12	<b>spent</b> 1289:23 1323:8 1324:3,15 1346:13 1400:1 1402:16 1410:9 1440:15 1459:23 1471:14 1490:1 1500:10 1575:19
<b>slew</b> 1429:15		<b>speaking</b> 1317:10 1320:3 1354:14 1356:1 1358:12 1366:15	<b>spiking</b> 1296:15
<b>slightly</b> 1368:21 1376:3 1485:24			<b>split</b> 1529:22
<b>slow</b> 1567:17			<b>spoke</b> 1289:3 1446:4 1461:17 1468:9 1537:23 1609:16
<b>slowly</b> 1473:12			
<b>SLP</b> 1528:2			
<b>SLT</b> 1528:10			
<b>small</b> 1409:5 1451:18 1491:21			
<b>Smith's</b> 1314:9			
<b>sobbing</b> 1349:8			
<b>sober</b> 1302:18			
<b>social</b> 1321:17 1323:25 1326:7 1331:18 1344:8, 12 1370:6 1375:24 1378:2 1433:1 1484:24 1485:2 1497:13,18 1514:4 1518:3 1519:6 1532:21 1538:13 1542:16 1543:16 1544:1,23 1545:2,13,22 1546:12,16 1547:2 1554:18 1565:12,23 1566:5 1596:25 1597:3 1606:2			



<b>spoken</b> 1578:21	<b>stated</b> 1374:12 1383:2, 4,17 1539:2 1548:3 1595:12 1597:7 1602:4	<b>stocking</b> 1362:1	<b>stopped</b> 1348:10,15
<b>spokesperson</b> 1559:25		<b>stomping</b> 1356:15	<b>stopping</b> 1298:4,5 1330:6
<b>spons-</b> 1348:23	<b>statement</b> 1310:20 1324:12 1395:3,8 1433:15 1473:16 1514:5 1532:23 1534:6, 8,9 1535:22,23 1568:23 1569:1,9	<b>Stone</b> 1307:6 1312:12, 13 1321:22 1322:4,9,17 1323:5,11,15 1324:25 1325:5 1326:5 1327:4 1334:2 1339:17,19 1340:7,20 1341:17,18 1342:1 1344:12,24 1345:12 1346:6 1347:19 1348:25 1350:7,16 1351:2,13 1353:1 1359:13 1360:9 1362:25 1363:2,8,18,21 1364:8,25 1365:15 1367:5,13 1369:6,14,18 1370:1 1375:2 1382:10, 15 1385:3,19 1388:23, 25 1389:9 1390:3 1414:9 1421:8,10,13, 23,24 1422:1 1428:6 1445:6 1446:1,15 1447:22 1449:17 1454:17 1455:18 1457:1,2,7,10 1466:10 1467:8 1477:1,8,10,14, 17,22,24,25 1481:16 1483:13 1489:9 1491:15 1495:17 1496:16 1498:20 1499:9 1500:1 1516:1,2 1522:9 1535:6,15,16,17 1537:12 1538:22 1551:8,17 1552:8 1553:17 1554:2 1562:5, 8 1571:14 1577:3 1578:14,18 1581:10 1582:4,10,17 1583:4,23 1584:2 1585:5 1595:9, 21 1596:25 1597:9,23 1599:11 1600:6 1601:2, 5 1603:11 1606:15 1607:5,8,17,20 1609:8, 16,19 1613:11,15	<b>story</b> 1310:17 1590:12
<b>sponsored</b> 1345:17 1348:2			<b>straight</b> 1365:13 1618:21
<b>spring</b> 1397:23			<b>street</b> 1532:12
<b>St</b> 1297:9 1398:21 1399:1,5,22 1402:9 1412:14	<b>statements</b> 1569:8 1596:5 1597:4		<b>strength</b> 1489:12
<b>stable</b> 1534:18	<b>states</b> 1438:24 1466:19 1534:13,19 1540:12 1545:1 1546:16		<b>stress</b> 1296:7,8 1298:1, 11 1300:9
<b>stack</b> 1374:9	<b>station</b> 1361:15		<b>stress-related</b> 1300:3
<b>staff</b> 1574:2,5	<b>status</b> 1603:1		<b>stretch</b> 1401:16
<b>stance</b> 1360:4	<b>stay</b> 1293:18 1379:21 1389:3 1452:8 1460:1 1573:5		<b>strike</b> 1299:18 1326:20, 25 1343:19 1346:19 1362:15 1384:12 1420:14,18 1465:25 1470:1 1565:2 1591:11
<b>stand</b> 1373:5 1453:1 1479:25 1480:20 1489:15 1495:10 1502:6 1509:3,11,14 1510:18 1511:5 1525:24 1556:21,24 1557:8 1597:10 1605:14	<b>stayed</b> 1384:24 1403:25		<b>striking</b> 1299:24
<b>stand-in</b> 1619:1,2	<b>stays</b> 1373:25		<b>string</b> 1576:22 1586:10
<b>standard</b> 1523:3 1567:23	<b>stemming</b> 1379:15		<b>strip</b> 1293:14
<b>standards</b> 1564:5 1569:3	<b>step</b> 1297:11 1307:8, 11,15,20,23 1308:8,10 1309:3,7 1310:7,16 1311:9 1312:11,22 1313:14 1315:15,19 1316:3,22 1318:16 1319:23 1320:7,8,20,25 1321:6 1328:8,10,13,15 1337:24 1350:2 1383:4 1416:6,9,16,22 1417:15 1419:17,19 1420:7,22 1460:15 1471:19 1473:21 1474:19 1475:7		<b>stroke</b> 1296:13 1300:5
<b>standby</b> 1619:5	<b>Stephenson</b> 1576:25		<b>Strong</b> 1489:14
<b>standing</b> 1573:5 1596:15	<b>stepped</b> 1326:4 1375:11 1402:14		<b>structure</b> 1412:22
<b>stands</b> 1528:3	<b>stepping</b> 1385:10		<b>structured</b> 1410:13
<b>start</b> 1287:8 1401:9 1487:12 1500:25 1525:18 1573:13 1576:7 1592:18 1616:10	<b>steps</b> 1411:1 1521:19	<b>Stone's</b> 1339:24 1349:6 1352:9 1449:10 1499:19 1517:9 1520:3 1538:16 1555:4 1576:21 1582:1 1583:20 1596:15 1607:13 1608:12 1614:25	<b>struggles</b> 1306:11,19
<b>started</b> 1302:19,21 1314:18 1316:1 1326:6 1399:3,6,9,13 1400:14 1416:25 1448:3 1449:15 1502:7	<b>Stew</b> 1335:24		<b>studio</b> 1401:6
<b>starts</b> 1332:3 1356:11 1569:21	<b>steward</b> 1361:12		<b>studios</b> 1401:3
<b>state</b> 1298:20 1441:15 1500:23 1508:7 1511:20 1558:9	<b>stick</b> 1333:12 1377:14 1616:20 1617:22 1618:8	<b>stop</b> 1410:7 1465:17 1490:9	<b>stuff</b> 1340:13,24 1406:21 1408:4 1409:15 1460:2 1573:18 1593:14
			<b>stunned</b> 1563:24
			<b>subject</b> 1457:21 1486:12
			<b>submit</b> 1482:17 1488:16 1493:18
			<b>submitted</b> 1311:2 1392:15 1400:15 1401:22 1419:25 1482:12,19 1539:21
			<b>substance</b> 1349:24 1518:9

<b>substantive</b> 1493:14	<b>supporter</b> 1375:20 1425:14 1426:11 1427:1 1428:9 1440:23	<b>symbol</b> 1365:18 1368:2	1610:22 1611:15 1616:6,8,16 1619:12
<b>substitute</b> 1413:11,12, 13	<b>supporters</b> 1377:1 1435:1,6,9,12,18 1441:1	<b>synonymous</b> 1498:16	<b>talked</b> 1289:9 1290:7 1300:16 1313:24 1317:1 1323:23 1329:1 1332:5 1344:8,13 1347:24 1372:6 1403:7 1404:14 1429:20 1434:5 1452:10 1453:22 1467:2 1491:10 1509:24 1570:18 1585:2 1588:18
<b>sue</b> 1293:15 1404:11 1436:25 1479:9	<b>supporting</b> 1354:3 1357:19 1443:14 1456:19	<b>synopsis</b> 1522:10	
<b>sufficient</b> 1377:18 1488:9 1489:3,17 1490:12,16 1491:1	<b>supports</b> 1395:7	<b>system</b> 1465:10 1489:15	
<b>sufficiently</b> 1368:13 1473:18,21	<b>supposed</b> 1361:9,23 1363:19 1365:18 1368:2 1384:9 1389:2 1499:23 1524:21 1561:6 1611:18	<b>systems</b> 1399:1 1459:19	
<b>suggest</b> 1395:23 1482:17 1617:1	<b>supposedly</b> 1356:19	<b>T</b>	
<b>suggested</b> 1375:1,6 1378:12	<b>surface-level</b> 1406:7	<b>TA</b> 1445:17 1447:6	<b>talking</b> 1294:2 1297:8 1299:1 1305:9 1307:12 1319:14 1333:25 1334:9,10 1344:16 1364:4 1370:24 1371:8 1384:22 1405:18 1406:20 1408:4,5 1420:16 1442:4 1449:14 1453:21 1454:17 1459:21 1461:24 1466:1 1490:5 1500:9,10,11,12,13 1507:20 1515:21 1521:2 1533:8 1537:20 1563:13
<b>suggesting</b> 1390:2	<b>surprise</b> 1447:12,14, 15,17,18,20 1486:9 1489:6	<b>table</b> 1287:18 1308:14 1394:4 1407:3	
<b>suggests</b> 1317:14	<b>suspension</b> 1293:5 1330:20 1417:16 1431:15 1602:14	<b>take-home</b> 1397:15 1398:3	
<b>suicide</b> 1597:2	<b>sustain</b> 1319:20 1346:18 1362:14 1390:22 1419:15 1449:4 1467:14,18 1470:4 1540:23 1548:24 1608:19,22 1614:17,18	<b>taker</b> 1590:21,25	
<b>suing</b> 1338:20	<b>sustained</b> 1292:10 1294:5 1318:24 1369:23 1381:24 1382:3 1384:11 1436:17 1439:24 1462:23 1467:21 1564:22 1609:4	<b>takes</b> 1530:12 1574:3 1617:25 1619:17	
<b>suit</b> 1392:1	<b>sustaining</b> 1299:23	<b>taking</b> 1308:16 1332:24 1365:12 1389:23 1394:3 1404:10 1416:18 1420:1 1428:19 1460:3,6 1499:11 1591:3,4 1598:12	
<b>Sullivan</b> 1342:24 1344:2 1414:23 1415:15,18,21 1418:25 1419:5 1589:24,25	<b>Suzanne</b> 1576:24 1608:7	<b>Talbert</b> 1293:21 1333:3 1370:17 1371:10 1378:4 1381:4 1438:24	<b>talks</b> 1332:6 1355:19 1392:7 1499:2 1543:20 1569:22 1587:24
<b>summaries</b> 1302:10	<b>SWA</b> 1538:7 1540:14 1541:16 1545:9 1568:18	<b>talk</b> 1307:8 1337:14 1338:24 1341:5 1347:23 1363:5 1372:19,23,24 1373:6,7 1380:4 1381:3 1387:5 1392:19 1398:12 1404:7 1406:12 1408:3 1413:25 1415:3,5 1421:20 1423:23 1427:21 1428:3 1429:22 1431:18 1436:7 1439:21 1443:18 1444:9 1450:19,20 1451:4,7,9, 15,17,20,22 1452:3,9, 11 1457:20 1461:3 1486:16,21,22 1502:24 1508:5 1518:20 1534:12 1556:8,10 1561:12 1567:24 1568:3 1588:10,22	<b>Tammy</b> 1518:22 1519:15 1531:21
<b>summarize</b> 1467:16	<b>swear</b> 1506:13 1510:18 1557:17 1563:16		<b>target</b> 1375:8 1403:16
<b>summarizing</b> 1497:4	<b>sword</b> 1432:23		<b>targeted</b> 1404:19 1581:15
<b>summary</b> 1493:25 1497:3	<b>sworn</b> 1392:8 1511:7 1557:19 1573:7		<b>targeting</b> 1458:11
<b>Sunday</b> 1409:12,23			<b>taught</b> 1413:14
<b>super</b> 1486:20			<b>tax</b> 1476:2
<b>supervisor</b> 1468:9			<b>teach</b> 1567:25 1568:1,2
<b>supervisors</b> 1574:7,17			<b>teacher</b> 1413:11
<b>supplement</b> 1335:7			<b>teachers</b> 1412:23
<b>supplemental</b> 1508:22			<b>teaching</b> 1413:3,4,8 1567:25
<b>supplied</b> 1594:13,17			<b>team</b> 1477:16 1481:15 1498:4,5 1545:3 1559:18 1560:4 1562:23 1573:22
<b>support</b> 1359:4 1488:20 1489:17,20 1490:11,14 1492:22 1493:19 1496:13 1508:1 1591:21			
<b>supported</b> 1352:2 1425:21 1483:1			

<b>tedious</b> 1383:9	<b>tested</b> 1297:19	1422:19 1427:12	1330:2,25 1332:8,10
<b>telling</b> 1335:2 1358:20	<b>testified</b> 1331:9	1441:22 1447:8 1458:3	1334:18 1339:6,21
1433:12 1469:22	1339:16 1340:4	1459:25 1469:17	1361:13 1362:7 1370:7
1506:2 1584:23 1601:4	1341:10 1376:5 1390:4	1471:14 1480:14	1371:16 1372:1
<b>tells</b> 1334:23 1546:20	1440:21 1445:7 1446:2,	1486:18 1487:24,25	1386:23 1398:8 1401:1
<b>Ten</b> 1514:14	16 1448:17 1508:3,5	1488:8,22 1502:1	1405:17 1406:20
<b>tentative</b> 1377:14	1592:25 1600:16	1530:23 1553:12	1410:9 1412:18
1427:2 1444:16,25	1608:14	1560:11 1564:2,11	1417:18 1418:17,23
1445:7,24 1446:3,14	<b>testify</b> 1446:22 1539:25	1566:5 1567:3 1570:4,	1419:15,22 1420:3
1447:23 1448:4,10	<b>testifying</b> 1539:11	11 1581:9,17,18,19	1422:23 1429:7 1431:7
<b>tenuous</b> 1490:19	<b>testimony</b> 1323:2	1585:3 1586:23	1432:24 1440:12
<b>term</b> 1299:11 1307:9	1333:2 1335:10	<b>thinking</b> 1335:8	1452:23 1453:1
1565:9 1584:11,22	1346:21 1351:22	1373:23,25 1432:15	1457:24 1461:16
<b>terminate</b> 1488:8	1352:4 1358:9 1360:13,	1478:4	1464:2 1469:7 1471:25
1547:17 1555:8	25 1361:3 1364:23	<b>thinks</b> 1433:2	1475:12,24 1476:21,23
1564:15 1571:25	1365:6,14 1366:3	<b>thought</b> 1297:5,16	1480:4,14 1486:5,14
1583:20 1600:18	1379:23 1380:12,13,22,	1303:3 1319:13	1489:16 1490:16,23
1603:18 1604:11	25 1383:24 1384:6	1326:14 1335:1,12	1495:20,25 1499:16
1606:17	1386:2 1411:9 1413:1	1348:9,17,19 1357:4	1501:22 1504:6 1506:6
<b>terminated</b> 1289:5	1415:12 1420:14	1366:22 1386:18	1508:18 1510:4 1512:7
1295:23 1300:6,10	1427:5,7 1432:25	1416:3 1477:22	1514:13,18 1516:5
1302:13 1304:6	1438:9 1440:10 1448:2,	1485:23 1499:10	1517:14 1518:23
1397:21 1408:10	25 1465:1 1480:17,19	1501:18 1522:11,12	1521:25 1524:22
1410:10 1476:21	1481:10 1490:2 1493:7	1523:16 1525:13	1529:13,22 1530:2,4,7,
1489:21 1491:10	1498:7 1519:11	1561:6 1578:11	9 1533:7 1535:7
1601:17 1606:21	1532:18 1539:18,23	1596:24	1538:24 1539:20
1609:24	1541:22 1555:23	<b>thoughts</b> 1343:21	1547:9 1560:21
<b>terminating</b> 1488:22	1560:13 1572:12	1373:14 1597:10	1562:25 1565:8 1573:3
<b>termination</b> 1307:21	1580:6 1585:24 1588:4	1602:25	1575:5,8 1576:6 1577:3
1309:3 1330:20	1589:16 1599:11	<b>thread</b> 1517:1,5,7	1578:2,10,14 1579:22
1331:20 1374:5,10,12,	1606:19 1609:6	<b>threat</b> 1376:24,25	1580:18 1587:15
16 1408:6 1417:16	<b>Texas</b> 1512:6 1558:13	<b>threaten</b> 1478:10	1589:12,14,18 1590:22
1479:13 1490:3,25	<b>text</b> 1538:21	<b>threatening</b> 1542:5	1591:22 1598:6 1607:7
1491:3 1522:14,21	<b>thankful</b> 1293:20	<b>threats</b> 1537:12	1611:24 1617:3
1543:24 1544:7,13	<b>That'</b> 1395:22	<b>threshold</b> 1509:22	<b>timely</b> 1560:2
1548:8 1559:24	<b>theme</b> 1375:20	1510:11	<b>times</b> 1303:23 1339:19
1583:25 1602:18	<b>thing</b> 1290:14 1323:10,	<b>threw</b> 1375:16	1343:18 1383:3 1407:4,
1604:18	24 1380:18 1394:4	<b>throats</b> 1457:18	22 1419:12 1457:19
<b>terminator</b> 1549:3	1402:6 1406:23	<b>thrown</b> 1343:14	1464:5 1467:12
<b>terms</b> 1329:6 1358:6	1429:12 1452:3	<b>Thursday</b> 1619:3	1520:22 1542:13
1383:12 1394:11	1480:14 1488:24	<b>tie</b> 1483:10	1600:24 1607:5
1398:15 1504:6 1528:7	1537:15 1557:22	<b>tied</b> 1495:18	<b>timing</b> 1488:25 1489:2
1599:16	1597:2	<b>time</b> 1290:23 1291:2,10	1510:9
<b>terrible</b> 1553:10	<b>things</b> 1292:15 1299:7	1293:4 1294:16 1296:6	<b>timing-wise</b> 1450:10
<b>territory</b> 1554:4	1313:3,7 1323:23	1297:10 1303:10,14	<b>Title</b> 1383:19 1427:25
<b>terrorists</b> 1413:18	1336:1 1341:11	1304:2 1307:11,19	1490:18 1497:16
<b>test</b> 1480:15,19	1347:13 1356:20	1309:12 1329:4,21	<b>today</b> 1309:5,8 1333:10
	1358:2,3,24 1380:24		1347:24 1396:16
	1387:24 1406:13,15		1398:16 1418:1
	1407:5 1410:4,16		1438:18 1476:22
			1488:12 1532:18
			1562:8 1566:11,12,25
			1588:19 1617:12,13

<b>told</b> 1289:16,22 1290:4 1294:21 1297:6 1299:1 1312:14 1315:19,22,24 1316:11,12,15,22 1317:6 1331:1 1332:11, 15 1337:3,5,22 1338:1, 8 1343:4,6 1345:13,15, 20,23 1346:1,25 1365:6 1367:1 1368:22 1418:20 1419:23 1429:13 1438:12 1480:5,14,22 1482:16 1484:18 1497:22 1503:1 1584:3 1604:13	<b>travel</b> 1570:8  <b>treat</b> 1318:7 1498:22 1499:23,24 1567:16,19 1568:9,10,11 1601:7,11 1602:9  <b>treated</b> 1318:6 1343:11 1457:13,15 1458:19 1459:15 1491:5 1492:20 1495:12 1535:3 1567:20 1600:11  <b>treating</b> 1564:7 1614:13  <b>treatment</b> 1358:3,22 1452:12 1499:21 1553:7  <b>trial</b> 1287:7 1288:8 1295:12 1301:23 1306:2 1313:20 1314:9 1327:23 1377:21 1394:13 1497:3 1505:5, 10,11,16 1506:9 1508:15,24 1509:22,23 1516:17 1524:2 1533:24 1536:8,11,19 1538:3 1543:3,11 1546:4,10 1592:14  <b>trick</b> 1429:2  <b>trip</b> 1302:24 1387:11,14 1410:16 1527:6,8,20,24 1528:2,13 1529:8  <b>trips</b> 1302:23 1330:11 1475:13 1513:11 1523:16 1524:21 1525:2,9,11,23 1526:6 1527:1,6,18 1529:17,25 1530:1 1542:14 1545:19  <b>trouble</b> 1357:11  <b>troubles</b> 1406:5  <b>true</b> 1299:7 1302:14,15 1351:8,9 1362:24 1442:2,7 1445:18 1446:6 1448:20 1496:8 1584:4  <b>Trump</b> 1362:6,18  <b>trust</b> 1398:10 1446:16  <b>truth</b> 1299:16 1506:3,4	<b>Tuesday</b> 1409:16 1567:2  <b>turn</b> 1333:6 1369:15 1439:15 1440:19 1449:17 1462:18 1499:25 1611:19 1613:17  <b>turned</b> 1301:7 1321:16 1334:11 1336:2 1369:19 1375:19 1378:2 1388:25 1404:17 1414:9 1417:10 1419:2 1421:9 1428:6 1433:8 1449:11, 21 1461:14,20 1462:5 1466:11,16 1467:10 1468:10,20 1483:18 1484:23 1485:1,7 1498:20,23 1610:1,12 1611:7 1612:15 1613:3, 11  <b>turning</b> 1293:21 1326:6 1333:3 1334:14 1370:1, 20 1375:15 1376:7 1414:8,16 1425:11 1427:14,24 1453:24 1455:20 1457:7 1465:9 1466:11 1498:24 1499:19 1500:1  <b>turns</b> 1410:17,18,19 1499:4,5  <b>TV</b> 1303:8  <b>TW</b> 1287:16  <b>Twenty-eight</b> 1558:25  <b>Twenty-one</b> 1512:9  <b>Two-and-a-half</b> 1558:19  <b>two-day</b> 1410:17 1528:12  <b>TWU</b> 1312:13 1314:10 1477:8,14,17,22 1481:14 1499:3 1513:4 1578:20 1589:21 1604:12  <b>TWU's</b> 1325:19  <b>tyer</b> 1591:5  <b>type</b> 1323:17 1331:7 1367:4 1369:8 1377:6 1388:16,18 1522:4	1562:14,20 1566:14 1581:18 1585:3 1589:17 1597:3 1601:19 1602:5  <b>types</b> 1363:13 1434:7 1547:4 1562:20 1601:22 1602:1  <b>typically</b> 1559:21  <b>typist</b> 1591:5  <hr/> <b>U</b> <hr/> <b>U.S.</b> 1550:22  <b>Uh-huh</b> 1311:6 1328:24 1350:20 1361:20,24 1396:21 1400:17 1406:14,17,24 1408:8 1409:24 1411:16 1412:7,24 1422:2 1423:25 1426:4 1429:21 1441:17 1442:21 1443:22 1444:22 1453:19 1458:9 1464:19  <b>ultimate</b> 1433:6 1550:2 1615:4  <b>ultimately</b> 1434:6  <b>un-mute</b> 1486:8  <b>un-muted</b> 1486:7 1576:17  <b>unacceptable</b> 1537:3  <b>unavailable</b> 1480:16  <b>unbeknownst</b> 1503:8  <b>underlying</b> 1379:25  <b>underneath</b> 1524:17 1528:14  <b>understand</b> 1300:2 1305:8 1309:9 1314:19 1317:4 1318:16 1325:22 1332:9 1345:7 1355:5 1361:3 1364:20 1366:2 1371:7 1375:3,9 1377:11,25 1379:6,19 1381:2,15,16 1383:5 1387:2 1388:2,3 1389:25 1397:12 1401:17 1403:13 1409:6 1411:3,6 1415:1
---	---	---	---

1417:5 1419:4 1421:11, 25 1423:11 1424:18 1425:1,17 1426:1,6 1427:16,23 1437:9 1455:14 1458:22 1460:7,13 1462:9,15 1463:14 1466:7 1467:2, 4 1470:20 1482:20 1490:22 1504:2 1507:25 1517:9 1519:10 1524:10 1525:15 1530:25 1532:8 1551:13 1553:4 1554:5 1578:23 1582:1, 18 1594:19 1598:16 1611:6	1321:1,13,24 1322:6, 12,15,22,23,24 1323:3, 7,9,16,20,22,23 1324:2, 5,17 1325:3,7,11,12,13 1326:5 1328:21,25 1329:3 1332:15,25 1337:21,25 1338:3,18, 19 1339:13,23 1341:12 1342:2,12,24 1343:17 1344:2 1345:16 1346:12 1347:11,20 1348:1 1352:14 1353:6 1355:20 1359:3 1361:12 1367:7,8 1369:4,5,18,19,25 1375:8,15,20 1376:6,8, 21,22 1377:8,9 1378:25 1379:4,13 1380:1 1381:5 1383:18 1384:22,23,24,25 1385:7,10,11,20 1386:13,21,25 1387:4, 22 1388:8,13,17,20,22 1389:1,12,18 1390:6 1391:9,13 1395:5 1403:3,9,11,12 1405:10 1407:4,6,7,10 1413:23 1414:3,6,10,23 1415:6, 8,21,23 1416:6 1417:2, 10 1419:7,18 1420:20 1421:16,22 1422:5,6,8, 12,14,16,18,20 1423:2, 4,6,17,18 1424:11,16, 20,21 1425:9,12 1426:3,7 1427:12,14 1429:18,24 1430:8 1433:4 1434:10,11 1435:7 1436:21 1437:10 1438:10,16,20 1439:12,16 1440:18 1441:15 1442:11 1443:13,14 1444:7 1447:1,2 1448:7,16 1449:8 1453:17,23,25 1454:1,6,10,25 1455:2, 7,17 1456:8 1457:2,3 1458:11,19 1459:5,22 1460:6,15 1461:5,6,13, 15,19 1462:4,21 1464:22 1465:13 1467:7,25 1468:24 1469:17,23 1470:16,25 1471:3,5,6,8,9,10,12 1475:6 1481:23 1482:20,23,25 1483:2 1487:5,25 1488:15	1489:22 1490:6 1492:2 1494:8 1495:5 1496:4, 23 1498:17 1499:23 1500:12,14,15 1502:8 1505:12 1508:24 1509:4 1514:17 1516:5 1533:19 1535:7 1552:1, 4,5,10 1555:3,7 1559:21 1571:15,19,24 1575:9 1585:15 1589:13 1592:8 1595:14 1597:16 1598:4,17 1600:6 1602:20,21,22 1603:1, 4,8 1604:12,16 1605:18  <b>union's</b> 1304:20 1415:4 1460:8  <b>union-paying</b> 1390:9  <b>union-protected</b> 1485:11,16  <b>union-related</b> 1598:9  <b>United</b> 1301:6 1400:20  <b>universal</b> 1551:4  <b>university</b> 1489:14 1575:15,16  <b>unmuted</b> 1363:25  <b>unprotected</b> 1496:12  <b>unquote</b> 1499:5 1500:2  <b>unwanted</b> 1555:3,7 1571:24  <b>unwise</b> 1500:25  <b>updated</b> 1506:3 1507:20  <b>updates</b> 1554:22  <b>upheld</b> 1517:25  <b>upset</b> 1347:25 1351:20, 24,25 1352:3 1395:19 1582:5,15  <b>upstairs</b> 1303:13  <b>usual</b> 1394:1  <b>utilize</b> 1505:14  <b>utilized</b> 1505:15	<hr/> <b>V</b> <hr/> <b>VA</b> 1525:24 1526:8  <b>vacation</b> 1525:25 1526:9,12 1527:22 1528:22 1529:2,3,13 1530:9,10,15  <b>vagina</b> 1361:18,23 1362:3,20 1363:17 1537:16 1538:1  <b>vague</b> 1493:7  <b>valid</b> 1441:10,11  <b>variety</b> 1585:20  <b>Vegas</b> 1577:2,3  <b>vengeance</b> 1440:18  <b>venture</b> 1297:2 1301:5  <b>verbally</b> 1535:4  <b>verdict</b> 1495:7 1500:18  <b>verify</b> 1521:22 1531:3  <b>version</b> 1503:11,21,24, 25 1507:20 1540:19 1541:4  <b>versions</b> 1503:9  <b>versus</b> 1381:7 1398:16  <b>vice</b> 1481:17  <b>video</b> 1301:8 1347:5 1348:25 1349:7,11 1385:2 1387:21 1390:8 1480:5,6,8 1481:2,6,8 1482:16 1483:18,22 1484:3 1485:20 1563:22,23 1570:11 1577:15 1602:5 1606:15  <b>videos</b> 1289:18 1325:6 1339:20 1340:15,20 1341:4,22,23 1342:1 1344:23,24 1345:2,12 1347:10,12,16,18 1351:3,7,24 1353:1,21 1359:14 1360:11,22 1364:14 1385:19,23 1389:12 1409:2 1483:20,25 1496:15 1498:25 1499:7 1500:3, 8 1515:24 1518:13,15
---	---	--	--



1519:1 1520:10,12,18 1531:4,22 1533:4 1537:13 1538:20 1551:7,8,14 1563:20 1577:17,22,25 1578:3,6 1582:10 1584:1 1596:17 1597:4,6,22 1600:24 1601:16 1602:2	<b>vision</b> 1541:6 <b>visions</b> 1402:13 <b>vocal</b> 1425:21 1438:13 1440:24 <b>voice</b> 1423:9 <b>voiced</b> 1324:2,14 <b>volunteer</b> 1433:18 <b>volunteered</b> 1432:5 1608:1 <b>vote</b> 1340:25 1407:18, 21,25 1429:11 1440:16 <b>voted</b> 1429:16,17 <b>votes</b> 1441:22 1442:8, 10 1443:12	<b>wasted</b> 1303:9 <b>watch</b> 1483:24 1520:10 1563:20 <b>watched</b> 1483:22 1484:16 1520:12,18 <b>wave</b> 1394:1 <b>ways</b> 1510:8 1537:9 <b>wear</b> 1352:18 1363:14 <b>wearing</b> 1365:17 1367:19 1483:10 <b>website</b> 1325:19,20,21 1492:3 <b>Wednesday</b> 1409:16 1567:1 1618:1,12 <b>week</b> 1406:3,5 1409:4, 8,12 1525:25 1528:22 1529:13 1530:10 <b>what-all</b> 1616:24 <b>wife</b> 1586:22 <b>wings</b> 1587:3 <b>wiser</b> 1619:1 <b>withdraw</b> 1561:10 <b>witness's</b> 1324:8 <b>witnesses</b> 1501:12,16 1502:9,11 1507:16 1617:13 <b>woman</b> 1346:5 1354:19 1355:4 1357:1 1369:2 1444:14 <b>woman's</b> 1538:1 <b>women</b> 1323:8 1345:17 1346:13 1348:21 1351:21 1352:20 1353:7 1355:9 1356:14 1360:8 1362:5,7 1363:9,10,15 1364:17 1365:12 1367:18,22,24, 25 1368:23 1369:4 1389:20 1491:12,14 1492:11,14 <b>women's</b> 1290:6 1346:11 1348:1 1353:17 1354:10,11 1355:20 1357:20 1363:10 1447:8 1454:24 1488:2	1489:24 1491:9,18 1492:16 1499:2 1500:11,13 1519:18 1581:25 1582:4 1591:18 1595:21 <b>wondering</b> 1611:24 1619:13 <b>word</b> 1346:2 1347:2,5 1367:20 1426:3 1497:24 <b>wording</b> 1446:17 <b>words</b> 1319:25 1320:21 1422:20 1448:23,24 1454:15 1466:14 1480:21,24 1481:1 1584:14 <b>wore</b> 1362:5 1363:10, 13 1364:12 1368:1,23 <b>work</b> 1304:10 1310:11 1311:15 1386:15,16,21 1387:13,24 1398:9 1402:19 1408:6 1416:17 1435:14 1457:20 1481:21 1512:7,19 1513:22 1517:23 1523:19 1534:18 1539:22 1542:3 1547:6 1552:7, 24 1559:4,16 1560:7,8 1564:9 1565:13 1566:10 1567:6 1568:12 1569:17 1570:2,4 1574:20 1579:4,18 1580:25 1581:9 1602:11 <b>work-like</b> 1542:14 <b>worked</b> 1403:12 1447:1 1512:3 1517:23 1518:7 1521:24 1523:11 1529:4 1575:12,15 1579:6 1599:17 <b>workforce</b> 1542:12 1545:16 1553:11 <b>working</b> 1301:4 1304:7 1339:12 1398:6,7 1399:6,9,13 1402:8,10 1407:6 1442:11 1444:7 1475:12 1512:15 1529:2 1542:7 1569:13 1575:11 1618:18
<b>view</b> 1339:24 1345:7 1444:2 1459:1 1460:8 1542:9 1600:12 1601:24 1611:8 <b>viewed</b> 1484:13 1578:4 <b>viewing</b> 1533:5 1578:10 <b>views</b> 1340:2 1492:12 1548:21 1549:6,13 1550:18 1564:2 1608:12 <b>VII</b> 1383:19 1427:25 1490:19 <b>VII's</b> 1497:16 <b>Vincent</b> 1615:18 <b>violate</b> 1385:3 1432:1, 2,20 1493:11 1545:12 1579:2 <b>violated</b> 1323:18 1336:3 1369:20 1370:1, 6 1385:23 1390:10 1466:11 1493:10 1497:13 1499:11 1542:22,25 1545:11 1548:13 1605:22,25 <b>violates</b> 1497:18 <b>violating</b> 1485:1 1508:10 1544:4,11 <b>violation</b> 1331:17 1387:19 1424:3 1479:12 1484:24 1485:6 1498:18 1518:6 1543:22 1553:14 1554:3 1599:18 1606:6 <b>violations</b> 1433:1 1512:21 1513:18 1515:15,17 1519:6 1548:15 <b>vis-a-vis</b> 1567:14	<b>W</b> <b>W-2</b> 1301:25 1302:9 <b>W-2S</b> 1302:3 1475:11 1476:6 <b>wait</b> 1316:7 1334:21 1360:24 1428:17 1442:3 1479:16 1593:8 <b>walk</b> 1396:19 1397:14 1413:22 1473:11 1524:9 1525:4 <b>walked</b> 1303:5 1520:22 <b>walking</b> 1296:13 1300:5 1431:23 <b>wanted</b> 1293:12,14,17 1311:7 1316:18 1323:4, 7,17 1340:24 1341:4 1349:1,4 1351:6 1359:14,15 1367:9 1403:2 1404:7 1411:8 1430:11 1467:7 1470:11,12,15,22,23 1495:17 1503:1 1519:8 1523:17 1531:3 1582:22 1594:15 1595:13 <b>wanting</b> 1467:15 1539:3 <b>Washington</b> 1368:23 1395:16 1491:12		

**workmates** 1435:7**workplace** 1291:19,21

1292:7,13,15,17

1331:17 1344:14,17

1386:11,12 1387:6,9,20

1388:5 1478:16 1505:9,

18 1514:4 1531:11

1540:16 1541:4,14,23

1542:2 1543:22 1544:9

1586:11,14 1606:1

**works** 1555:21**worried** 1334:7**worry** 1443:19**worse** 1306:23,24

1581:24

**worst** 1441:7**wrap** 1463:19**wrapping** 1452:22**write** 1566:25 1605:4**writing** 1399:10**written** 1327:20**wrong** 1367:13

1369:14 1372:11

1374:22,23 1380:15

1448:18 1451:13

1505:23 1550:20

1615:10

**wronged** 1453:18**wrote** 1359:17 1363:12

1370:16 1456:5 1508:6

---

**Y**

---

**y'all** 1373:23 1381:15,

16 1392:24 1393:14

1451:1 1452:14,16,24

1480:13,14 1486:15,19

1501:2 1502:16

1509:10,19 1616:21

1617:8 1618:8,16

1619:6,20,24

**year** 1330:15 1396:23

1397:19,25 1398:3

1413:17 1475:15

1476:14 1528:25

1554:14 1568:1

1581:22

**years** 1290:19,21

1298:13 1302:9,12,18

1303:11 1306:17

1310:9 1342:6 1347:7,

13 1356:24 1357:11

1360:13 1387:17

1398:22 1401:18,19

1405:13 1413:12,13

1490:10 1512:9

1523:12 1552:20

1558:19,25 1574:25

1575:4,19,20 1580:25

1581:23

**yes-or-no** 1366:6**young** 1346:5

---

**Z**

---

**Zoom** 1485:23